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THE

LIVES

OF

JOHN SELDEN, ESQ.

AND

ARCHBISHOP USHER;

WITH NOTICES OF THE

PRINCIPAL ENGLISH MEN OF LETTERS

WITH WHOM THEY WERE CONNECTED.

By JOHN AIKIN, M.D.

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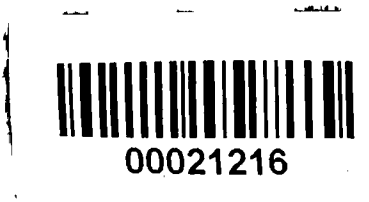
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TO

JOHN WHISHAW, ESQ.

OF

LINCOLN'S INN,

THIS VOLUME,

AS A TESTIMONY OF CORDIAL FRIENDSHIP

AND ESTEEM,

IS INSCRIBED BY

THE AUTHOR.

PREFACE.

The composition of this Volume has been the result of a work in which I was some time ago engaged—a Translation of the Memoirs of the learned Huet, Bishop of Avranches. Having thought it expedient to elucidate that piece with an introductory view of the general state of literature at the period whence his career commenced, I was necessarily led to cast an eye upon that of our own country; and the cursory survey I took of it gave me an interest in the subject which urged me to further enquiry. On tracing backwards the history of English erudition, I soon came to two names which seemed to form an era, previously to which our contributions to the stock of critical literature were comparatively inconsiderable; whilst those names themselves were annexed to writings quoted and applauded by the most eminent contemporary scholars in Europe. These were SELDEN *and* USHER, *men whose*

whose celebrity (that of the former, especially,) was not confined to mere authorship; but who acted important parts in the church and state at a period of extraordinary interest in English history. I was therefore induced carefully to examine the extant narratives of their lives, together with the biographical documents afforded by their own writings; and this research convinced me, that a clear and unprejudiced account of the services they rendered to letters, and of the conduct they pursued in the momentous transactions of their time, might still be rendered worthy of the public notice.

Such a work I therefore undertook; and though fully sensible of my deficiencies as a judge of the merit of their profound writings, I thought I might without presumption place some reliance on the efficacy of long habits of contemplating the varieties of the human character, and freedom from the usual temptations to disguise or misrepresentation, in enabling me to perform the duties of an impartial biographer.

J. A.

STOKE-NEWINGTON,
October 10, 1811.

INTRODUCTION.

THE returning dawn of polite and critical literature which broke out with so much splendour upon the horizon of Italy and other countries on the continent, shed at its commencement only a faint light upon this island, remote as it was from the usual track of scholars, and little provided with helps and encouragements to learning. A general communication, indeed, between the members of the clerical order was preserved by means of the court of Rome through the extent of that religion of which it was the center; and the cultivation of the Latin tongue, as a necessary medium of intercourse for the transaction of public affairs, and as a common

language for purposes of science, was never intermitted in any European country advanced beyond a state of barbarism. But Grecian literature spread slowly from those regions which first received it after its expulsion from Constantinople; and those profound researches into antiquity which were the base of improved philology could advantageously be carried on only in countries affording the aid of well furnished libraries and cabinets, and rich in the relics of former ages. Further, leisure, tranquillity, and the comforts and conveniencies of civilized life, without which literary pursuits cannot be extensively followed, were not to be found among people still rude in manners and unsettled in domestic polity. From these causes it is not to be wondered at, that few English names are to be met with among the contributors to the general stock of erudition during the earlier periods of the literary history of modern Europe. The

The reign of Henry the Eighth was the era whence the introduction of a classical taste into England may properly be dated. That prince was himself liberally educated, and favoured and promoted scholars. Young Englishmen of rank were met with by Erasmus as students at Paris, some of whom became his pupils. Probably through their means, he received an invitation from Henry to visit this kingdom, which he accepted, and in consequence became familiar with Warham, Tonstall, More, and other patrons of learning. He was employed to teach Greek at Cambridge, and from that time the Greek language seems to have been regularly studied in both our universities. Of Erasmus's English contemporaries a few only made themselves known in the republic of letters. *Linacre*, the physician, who had received part of his education in Italy, gave lectures in Greek at Oxford, translated with great purity some

works from Greek into Latin, and wrote an elaborate work on Latin grammar. *Colet*, founder of St. Paul's school, *Pace*, *Grocyn*, *Latymer*, and *Lilye*, are honourably mentioned by Erasmus: but the Latin grammar of the latter is the only extant product of their learning. *Leland*, to whom Henry gave the title of his antiquary, was not only distinguished for the pursuits proper to that character, but published some Latin poems of considerable elegance. The name of *Sir Thomas More* was well known on the continent, but chiefly by means of the writings of Erasmus; for his own compositions, exclusive of his Utopia, principally related to the polemics of his time.

When the reformation of religion was making its progress, translations of the scriptures into the vernacular tongues of Europe occupied many of the learned in different countries. In England this task was first undertaken (after the time of Wickliffe)

Wickliffe) by *William Tindale*, a student of both universities, who had already given proof of his scholarship by the version of an oration of Isocrates. This person, becoming a convert to the opinions of Luther, printed abroad, in 1526, a translation of the New Testament; and afterwards, with the assistance of *Miles Coverdale* (who was a Dane) translated the Pentateuch from the Hebrew. These works, though not without considerable mistakes, exhibited no small share of erudition, and made a commencement of that biblical criticism for which so many English scholars have been distinguished.

Sir John Cheke, nominated by Henry Greek professor at Cambridge, and afterwards tutor to prince Edward, improved the knowledge of the Greek language which he had acquired at home, by a residence in foreign countries. He introduced on his return a more correct mode of pronouncing Greek, which, though

though first opposed as an innovation by the bigotry of Gardiner, at length established itself in the schools of this kingdom. He published some Latin letters to Gardiner on this subject, which, with a few other Latin compositions, and a version from the Greek of Leo's Military Constitutions, are all the remaining vouchers for his classical proficiency. Contemporary with him was *Walter Haddon*, educated at Cambridge, and by profession a civilian. He was an elegant Latin writer; and a volume of his compositions, in verse and prose, under the title of "Lucubrationes G. Haddoni," was published in 1567.

One of those who at this period seems best to have merited the appellation of a scholar, was *John Kaye*, or *Caius*, born at Norwich in 1510. He received his education partly at Cambridge, and partly in Italy, several universities of which he visited for improvement. On his return

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he engaged in the medical profession, joining with it, as Linacre had done, the pursuits of a man of letters. He had acquired a pure Latin style, together with a critical knowledge of the Greek; and he employed much labour in correcting and commenting upon the works of Galen, a part of which, principally anatomical, he edited at the Frobenian press in 1544. He has perpetuated his name by the foundation of Caius college in Cambridge.

The changes and controversies in religion from the reign of Henry to the end of that of Elizabeth afforded ample scope for theological studies; and many learned English divines appear during that period, who, however, chiefly confined themselves to professional topics, and were little known out of their own country. The refugees for religion, indeed, in the reign of Mary, formed connections with many of the foreign protestant

testant divines, and were equally respected for their learning and piety; but few of them were contributors to the general stock of literature. Bishop *Jewel* may perhaps be regarded as an exception, whose "Apology for the Church of England," written in elegant Latin, and displaying an intimate acquaintance with ecclesiastical history, excited much attention on the continent, and was translated into several foreign languages.

Learned education now became general among persons of rank and the aspirants to public offices; and the female sex participated in mental cultivation. The queens Mary and Elizabeth were both instructed in classical literature; the amiable and unfortunate Jane Grey was a proficient in it. The daughters of Sir Thomas Moore and Sir Anthony Cooke were distinguished for their learning. Several of Elizabeth's ministers were well versed in the writings of the ancients, and

and were not backward in exhibiting their knowledge in their speeches and memorials. Still, however, English scholarship was rather employed for use and ornament at home, than engaged in the service of the republic of letters.

The great *Lord Verulam* might, indeed, be enumerated among the men of letters in his day, had he not so well merited the higher title of the chief reformer of philosophy. His works, mostly composed in Latin, of which language he had a free and eloquent, if not an accurate use, display a thorough acquaintance with Grecian philosophy and literature; and he might probably have appeared with advantage as a critic on the writings of others, had he not been so original in his own.

Sir Henry Savile, who was Greek preceptor to Elizabeth, and afterwards warden of Merton college, and provost of Eton, appears to have been the first Englishman

lishman who distinguished himself as the editor of a considerable Greek work from an English press. This press was set up by himself at Eton; and after the labour of several years he gave from it, in 1613, an edition of all Chrysostom's works, in 8 vols. folio, with annotations by himself and by other learned coadjutors. Editions of Xenophon's Cyropædia and of one of Nazianzen's works, proceeded from the same press. He translated parts of Tacitus into English with notes, which last were rendered into Latin and published by Gruter. He further perpetuated his name as a patron of science by founding in his lifetime two professorships at Oxford, one for Geometry, the other for Astronomy.

Among his assistants in preparing the edition of Chrysostom, one of the most distinguished for learning was the Rev. *John Boys*, of whom an anecdote is related which proves the attention paid to the

the study of Greek in Elizabeth's reign. When a fellow of St. John's college in Cambridge, he read a voluntary Greek lecture in his own room at four in the morning, which was attended by most of the fellows of the college. Boys was one of the body of translators of king James's Bible, that at present in use; and his collation of an ancient version of the four Evangelists and the Acts, with Beza's and others, was published after his death.

The list of translators before mentioned would of course comprise all the English theologians of their time most eminent for learning; yet although they were forty-seven in number, not a person occurs in the list (with the exception of Henry Savile, if the same with the provost of Eton,) whose name is recorded as a contributor to general literature.

Camden, as a historian and antiquary, made himself known, by his works composed in Latin, to the scholars on the continent.

tinent. He probably, however, possessed less erudition than his contemporary, *Francis Godwin*, bishop of Hereford, whose work, entitled "De Præsulibus Angliæ Commentarius," written in a pure Latin style, gave him a respectable place among national ecclesiastical historians. It was followed by his Latin "Annals of the reigns of Henry VIII. Edward VI. and Mary;" and he established a claim to critical learning of a more general kind by a Latin dissertation on the value of the Attic talent and Roman sesterce, annexed to Dr. Hakewill's "Apology for Divine Providence," printed in 1630. Godwin comes in immediate contact with the two great names in English literary history which are the subject of this volume; and which appear to have had no other predecessors in their class, unless *Thomas Lydiat*, to whom an article in the notes is devoted, be regarded as of a prior date in the catalogue of learned authors.

From

From this brief account of the progress of letters in England to the commencement of the sixteenth century, it will be seen, that the reputation of the country as a conspicuous member of the literary republic was yet to form, when SELDEN and USHER entered upon that course of profound enquiry into topics of general erudition which at once gave them rank among the first scholars in Europe. From the period of their great publications the eyes of the learned have been turned upon this island; and a series of eminent men (though not without some intervals), has amply verified the expectations that such leaders had excited*.

* The sudden start of Great Britain into notice as a land of intellectual celebrity, was remarkable in another important pursuit; that of anatomy. When Harvey published his noble demonstration of the true circulation of the blood (1628), none of his countrymen had been heard of in the schools of that science. "Ex ea ipsa Anglia," says Haller, "in qua hactenus anatome fere nulla fuerat, exstitit novum artis lumen, cujus nomen ab ipso retro Hippocrate in medicina secundum est." *Biblioth. Anatom.*

THE

THE LIFE

OF

JOHN SELDEN, ESQ.

JOHN SELDEN was born on December 16, 1584, at Salvington, near Tering in Sussex. He was the eldest son of John Selden, whom Wood *(Athen. Oxon.)* terms "a sufficient plebeian," by Margaret Baker, a branch of the knightly family of Baker in Kent, and an heiress. According to Wood, the father's proficiency in music was the means of his obtaining a wife of superior condition to his own. Selden had two younger brothers who died in infancy; and one sister alone grew up with him to maturity. He

* The principal authority for the biographical matter of this piece is the Life of Selden, in Latin, prefixed to the edition of all his works, by Dr. David Wilkins; but his references have been carefully examined, and use has been made of all the additional notices relative to the transactions in which Selden was concerned, that could be met with.

received

received his early education at the free-school of Chichester, under the master, Hugh Barker, afterwards an eminent civil lawyer. His progress in the learned languages was rapid, of which it is mentioned as a proof, that at the age of ten he composed a Latin distich which was cut in wood over the house in which he was born, named Lacies.

At that period the custom of sending to college youths destined to a literary profession at an early age, still subsisted*; and Selden was only fourteen when he was admitted of Hart-hall in the university of Oxford, with a recommendation from his schoolmaster to his brother, Anthony Barker, fellow of New-college. Another fellow of the same college, John Young, also assisted in his education. Although it is probable that one afterwards so highly celebrated for erudition should have distinguished himself in his academical career, yet no anecdotes are recorded to that purpose. His turn to profound and serious studies might indeed

* Lord Burghley was sent to college in his fifteenth year, and Lord Clarendon in his fourteenth.

preclude

preclude any efforts to render himself conspicuous in those exercises which are best calculated for the display of early talents; and imagination was never a faculty for which he was remarkable.

After a residence of four years at the university*, he removed to London, and in 1602 was entered at Clifford's Inn. Having been there initiated into the forms of the common law, he changed his situation for the Inner Temple in May 1604, with the intention of fitting himself for the bar. That he pursued his legal studies with due diligence he has sufficiently proved by his productions; but the bent of his genius rather inclined him to closet researches into the history and antiquities of the law, than to the practice of it as a pleader. Wood affirms that "he seldom or never appeared at the bar, but sometimes gave chamber counsel, and was good at conveyancing." This inclination was doubtless fostered by the friendship which he cultivated with such men as Camden, (1) Spel-

* According to Wood, Selden's admission at Hart-hall was in Michaelmas-term, 1600; and his stay at Oxford about three years.

man, (2) and Cotton, (3) with whom he became connected on setting out in life. The effect of this course of study was displayed in his first appearance before the public, which was in the character of a national antiquary. In the year 1607 (according to the date of the preface) he finished a work entitled *Analectων Anglo-Britannicων libri duo* (English Collections in two books), containing a summary view of every thing recorded by ancient and modern writers relative to the civil government, and the public occurrences, sacred and profane, of that part of Great Britain called England, down to the Norman invasion, chronologically digested. It was dedicated to Sir Robert Cotton, the early patron of his studies, and was given to a bookseller; but did not find its way to the press till nine years afterwards, when it was printed at Frankfort; but in so incorrect and mutilated a form, that, as he complains, he could scarcely recognize it for his own performance. At the distance of twelve years he speaks of it as not discreditable to his immature age ("ætatula non ita indignum"); and it is recommended

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in encomiastic terms by Degory Wheare in his "Method of reading History." But Bishop Nicolson, in his "Historical Library," represents it as less satisfactory with respect to the Saxon part of English affairs than it is usually thought to be; and indeed, from a short treatise by a juvenile writer who could but just have entered upon the wide field of enquiry which his subject presented, nothing very exact could be expected. As a specimen of the Latin style which he had at this time formed for himself, and the peculiarities of which never entirely left him, I shall transcribe two or three lines from his preface, which is addressed "Illustrissimis fælicissimæ Angliæ patriæ Geniis et Ingeniis."—"Frontes vestrum qui bifrontis Jani averso litatis ori, omnium exporrectas si habeam, fælicem me forte putem, sin aliquorum caperatas, haud infælicem.—Cum ad propalaudos erronice erutos errores tot etiam e tonstrinis ubique prodeant Zoili, Momi, Corycæi—vestrum, vestrum, inquam, apolactizo judicium." If this manner of writing is partly characteristic of an author in whose memory an immense mass of words

and phrases was piled up without selection, it is also partly attributable to the bad taste of a pedantic age.

Proceeding in the same track of historical research, Selden published, in 1610, two treatises, one in English, entitled *England's Epinomis;* the other in Latin, entitled *Jani Anglorum Facies altera.* The former of these is the plan or sketch of the latter; and the scope of both is to give a deduction of English law from the earliest times down to the reign of Henry II. in the Latin work, and to John in the English. The Latin treatise is dedicated to Robert Cecil, earl of Salisbury, then lord high-treasurer of England. The dedication is followed by a preface, in which it would seem to have been the writer's object to employ all the uncommon phraseology and remote allusions that he had picked up in his classical reading, whence it is an almost perpetual enigma. The work itself chiefly consists of quotations from different writers, commented upon paragraph by paragraph. It was printed at the author's expence in London, and soon after was reprinted in Holland; and it was translated

translated into English with notes, by Dr. Adam Littleton, under the name of Redman Westcot, and published in 1683.

In the same year, 1610, Selden, who appears always to have been fond of singular topics, published a short piece entitled *The Duello, or Single Combat*, dedicated to Sir Edward Carrell of Harting. The prefixed address to the reader, whilst it specifies the purpose of the work, affords a curious sample of his English style. The first sentence runs thus:—"Reader, I open not a fence-school, nor shall you here learn the skill of an encounter, nor advantagiously in the lists to traverse your ground. Historical tradition of use, and succinct description of ceremony, are my ends; both deduced from the ancients, but without proselenick affectation." After some more sentences interlarded with learning, he concludes, "Best of the supreme aspects bestow their rays on you." He divides his subject into Extrajudicial and Judicial Duels. On the former, now the only relics in practice of this barbarous usage, he touches but slightly; and treats chiefly on the latter, dwelling especially

cially upon its forms and ceremonies as used in England since the Norman conquest. This tract was reprinted separately at London in 1706.

His reputation as a national antiquary was now so well established, that he was requested by his friend Michael Drayton, (4) the poet, to annex illustrations to his work entitled "Polyolbion," well known as a chorographical description of the counties of England in alexandrine verse. In compliance with his desire, Selden wrote learned notes upon the first eighteen *Songs* of this poem, which were published apart in 1613. In an address to the reader prefixed to these annotations he gives some articles of his antiquarian creed. He says, "Being not very prodigal of my historical faith, after explanation, I oft adventure on examination and censure. The author, in passages of first inhabitants, name, state, and monarchick succession in this isle, follows Geoffrey ap Arthur, Polychronicon, Matthew of Westminster, and such more. Of their traditions, for that one so much controverted, and by Cambro-Britons still maintained, touching the Trojan Brute,

Brute, I have (but as an advocate for the muse) argued, disclaiming it if alledged for my own opinion." On this it may be observed, that nothing so much distinguishes the superior order of antiquaries from the vulgar tribe of devotees to antiquity, as freedom from that fond and trifling credulity which disposes weak minds to acquiesce in all the tales that flatter local partialities, or the passion for wonders; and we may be assured that a man of Selden's disposition would, in the progress of his enquiries, be cured of this foible, if ever he had given way to it.

Drayton was not the only poet with whom he cultivated a familiarity. He was intimate with that father of the fraternity in his day, Ben Jonson, (5) who had learning enough to make himself respected by his literary cotemporaries, independently of his poetical qualifications. About this time he also appears as the writer of commendatory verses in Greek, Latin, and English, prefixed to the "Britannia's Pastorals" of George Browne, (6) a young and promising poet in the same inn of court with himself. Selden's writings prove him

him to have been well read in the poetical works of antiquity; and the above-mentioned circumstances shew his connections with the votaries of the Muse in his own time; yet his own attempts in this walk were so few and slight, and so manifestly repugnant to his genius, that we cannot but be surprised to see him placed so conspicuously in Suckling's ballad of "The Sessions of the Poets." The subject of this effusion is the choice of a Laureat, under the presidency of Apollo himself; and the enumeration begins with Selden:

> There was Selden, and he sat close by the chair.

But as nothing is said of his poetical claims, it may be presumed that he was introduced on account of his scholarship, rather as an assistant to the judge, than a candidate.

The circumstance of his being attacked about this time by a tedious and dangerous illness would scarcely merit notice, had he not himself ascribed his recovery to the attendance of Dr. Robert Floyd, better known by the name of Fludd, latinized by De Fluctibus; a man of learning, famous in his time for

for attachment to the principles of the Rosy-crucian philosophy, in which he wrote a number of treatises, most profoundly mystical, but which were thought worthy of being controverted by such a man as Gassendi. Fludd is said in the practice of his profession to have used a kind of sublime jargon to his patients, which inspired their admiration and confidence; and it is not improbable that Selden himself might be a dupe to it. Very wise and learned men have been imposed upon by such arts.

In 1614 he gave to the public his largest English work, and that which affords the most copious display of his profound research into the history and antiquities of his own and other modern countries. This was his treatise on *Titles of Honour*, forming a quarto volume. It is dedicated to his "most beloved friend and chamber-fellow, Mr. Edward Heyward," whom, in a subsequent edition, we find qualified as Edward Heyward, Esq. of Cardeston in Norfolk. The author, in his preface, declares his purpose to extend "from the highest title to gentry exclusively," meaning by titles such as are

primarily

primarily honorary, not officiary. The work is divided into two parts: the first treating of the titles of honour which he denominates *supreme*, as belonging to those individuals who possess sovereign authority; the second, of those which are termed *subordinate*, being honorary creations by possessors of the former. Each part is divided into several chapters, which are a treasury of historical and antiquarian information, often indeed digressive, but valuable and interesting to persons engaged in similar enquiries. Though the subject is general, and the examples are derived from all ages and countries, yet there is a particular reference to England; whence the work is recommended by Bishop Nicolson to all who wish to acquire a knowledge of what concerns the degrees of nobility and gentry of this kingdom. It appears to have conferred a great additional reputation upon the author, who gave a second edition in folio, with large additions, in 1631. On comparing the new preface and dedication of this edition with the original ones, it is gratifying to observe how much in that period the writer's style had cleared

cleared itself from the obscurity and pedantry that had formerly infected it—a proof that commerce with the world and habits of business are as necessary as the studies of the closet to proficiency in the art of writing. A third edition of this work appeared in 1672; and a Latin translation by Simon John Arnold was printed at Frankfort in 1696. It may be added, that it is regarded as of great legal authority upon these subjects.

In 1616 Selden re-edited two ancient law tracts; Sir John Fortescue (7) "De Laudibus Legum Angliæ;" and the "Summæ" of Sir Ralph de Hengham, (8) subjoining to both, notes explanatory and corrective. In the same year, on the promotion of Sir Francis Bacon to the chancellorship, he addressed to that great man *A brief Discourse touching the Office of Lord Chancellor of England*; "collected," he says, "out of no obvious monuments touching the antientest mention, conjunction, and division" of the offices of Chancellor, and of Keeper of the Great Seal. It is proper here to relate, that Lord Verulam left a testimony of his high respect for Selden's learning and judgment

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in his last will, by a direction that his advice should be taken concerning the publishing or suppressing of his manuscript treatises.

The collection of voyages and travels entitled "Purchas's Pilgrimage," (9) was about this time publishing, and the marginal notes annexed are cited by Gataker as Selden's. He also in 1617 communicated to Purchas a short tract *Of the Jews sometimes living in England.* It is remarkable that a man so free in general from prejudice and credulity should mention as an "usual crime" committed by that people, the calumnious charge of their stealing a christian boy at Easter, circumcising, and then crucifying him—a tale manifestly invented to serve as a pretext for the detestable cruelties and extortions occasionally in former times practised upon that much-injured people.

Our learned writer had hitherto displayed his erudition chiefly on subjects connected with his profession and with the antiquities of his own country; but in his next publication he entered a field of literature, the culture of which placed him at once in the rank of the first scholars of the age, and introduced

troduced him to the men of letters throughout Europe. This was his celebrated work entitled *De Diis Syris, Syntagmata duo;* of which the primary purpose was to treat on the false deities mentioned in the Old Testament, but with which he joined an enquiry into the Syrian idolatry in general, and occasional illustrations of the ancient theology of other heathen nations. It first appeared in 1617; and the curiosity of the learned having exhausted this edition in a few years, the Elzevirs in Holland were preparing to reprint the book, when the Rev. Louis de Dieu, a pastor and professor in the Walloon college at Leyden, wrote to Selden, requesting him to communicate his additions and corrections for the purpose, and offering his aid, and that of Daniel Heinsius, in conducting it through the press. This was brought to effect in 1627, and Selden inscribed the new and much improved edition to Heinsius.

This very learned treatise begins with Prolegomena, on the geography of Syria, on the Hebrew tongue, and on the origin and progress of the worship of a plurality of gods.

gods. It then proceeds to a separate discussion of all the Syrian deities recorded in scripture and history, distributed into two syntagmata. That such a man as Selden would derive his materials for an enquiry of this kind from the original sources, will scarcely admit of a doubt; yet after he had raised a host of enemies by his book on Tythes, next to be mentioned, one of the fiercest of them, Dr. Richard Mountagu, charged him with having borrowed the greatest part of his matter from the "Semestria" of Peter Faber. Selden, in the preface to his second edition, takes notice of the charge, and after solemnly denying the plagiarism, he refers to a comparison of the two works for his justification. From the letters of Louis de Dieu to him, prefixed to this edition, it appears how highly his work was esteemed by the learned on the continent; yet some mistakes, which naturally intruded themselves in such a mass of recondite erudition, were the subject of criticism. The judicious Le Clerc (*Biblioth. Choisie*, t. VII.) has pointed out three particular sources of error in his work: 1. That in his illustrations

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of the history and theology of the Orientals he has cited without distinction authors conversant with and ignorant of the subject, among the latter of whom are especially the rabbinical writers, who make no scruple of supplying their deficiencies by falsehoods of their own invention: 2. that he, as well as other writers on the same topics, confounds the indigenous gods of the Greeks with those which they imported from the Babylonians and Egyptians: 3. that these writers sometimes adduce allegorical explanations of Grecian fables, and attach certain mysteries to them, as if derived from the original historians.

Besides the Leyden edition of this treatise, two others, printed at Leipzig in 1662 and 1680, attested its reputation among foreigners.

We are now to proceed to a memorable occurrence in the life of Selden, affecting him both as a writer and a citizen; being the first occasion on which, besides the usual warfare incurred by those who write on topics liable to controversy, he exposed himself to a contest with "the powers that be"—

a con-

a contest always formidable to those whose only weapons are pen and ink, and whose only alternative becomes apology or patient endurance.

The clergy, naturally solicitous to render their maintenance as secure as possible, had not been content to rest it upon the sense the laity might entertain of the utility of their profession, and the reasonableness of an adequate remuneration for their services, but had endeavoured to implicate their claims with the sanctity of a religious obligation. They had therefore advanced the doctrine of the *divine right of tythes*, as inherited by the Christian priesthood from the Jewish, and derived to the latter from the patriarchal ages. This doctrine had been maintained by several English divines, and was beginning to be regarded as fundamental to the establishment of a national church. Every claim by divine right is a limitation of human right, and must of consequence be regarded with jealousy by those who are the depositaries and guardians of the latter. The body of lawyers, for this reason, seems never to have been favourable to this clerical doctrine;

doctrine; and Selden may be supposed to have felt with his brethren on the subject. Further, his free and large enquiry into historical antiquities must have apprized him of many instances of interested imposition, and inspired him with a desire for the detection of fraud of every kind—the never-failing effect of enquiry upon an ingenuous mind. These motives appear sufficient to account for his undertaking the work which was eventually the source of so much trouble and obloquy to him—his *History of Tythes*, published in 1618, with a dedication to Sir Robert Cotton. This dedication contains so liberal a passage concerning the use of antiquarian studies, that I cannot forbear transcribing it. After making his acknowledgments to the baronet for his assistance in the search after historical truth, he adds: "For such is that truth which your humanity liberally dispenses; and such is that which by conference is learned from you. Such, indeed, as if it were, by your example, more sought after, so much headlong error, so many ridiculous impostures, would not be thrust on the too credulous by those

which stumble on in the road, but never with any care look on each side, or behind them; that is, those which keep their understandings always in a weak minority, that ever wants the authority and admonition of a tutor. For, as on the one side, it cannot be doubted but that the too studious affectation of bare and sterile antiquity, which is nothing else but to be exceeding busy about nothing, may soon descend to a dotage; so on the other, the neglect or only vulgar regard of the fruitful and precious part of it, which gives necessary light to the present in matter of state, law, history, and the understanding of good authors, is but preferring that kind of ignorant infancy which our short life alone allows us, before the many ages of former experience and observation, which may so accumulate years to us, as if we had lived even from the beginning of time."

From the preface to this work we learn that the very rumour of an intended History of Tythes had excited great alarm, of which he attempts to shew the little foundation; at the same time not sparing keen expressions of contempt for those who had declared by

by anticipation their determined hostility, whatever were their "old ensigns of dissembled gravity, the beard, the habit, and title." He protests that "it is not written to prove that tythes are not due by the law of God; nor written to prove that the laity may detain them; nor to prove that lay hands may still enjoy appropriations; in sum, not at all against the maintenance of the clergy. Neither is it any thing else but itself, that is, a mere narrative, and the *History of Tythes.*" He proceeds to argue the necessity of enquiring into matter of fact on these subjects, from the various instances of mistake, and of variation of practice, which he specifies; and here he makes those strictures on the ignorance of the clerical writers on tythes, alluding to those of this country, which gave such violent offence to the body. He then gives a summary of the matter of the subsequent work; and of the authorities whence it is taken; and reverting to the unnecessary fears of the clergy respecting its tendency, he says, "I dare confidently affirm that never before was there towards so much human law positive for the payment of whole tythes observed to public view as is here discovered."

covered." He notices an objection further made in regard to the author, "What hath a common lawyer to do with writing of tythes?" and offers reasons why the subject is still less suited to the divine and the civilian. "But," he concludes, "neither indeed is it proper to any one alone of those that are commonly made professions. The truth is, both it, and not a few other inquiries of subjects too much unknown, fall only under a more general study; that is, of true Philology, the only fit wife that could be found for the most learned of the gods. She being well attended in her ἐγκυκλια διακρήματα, or daily services of inquiry, by her two handmaids, curious diligence and watchful industry, discovers to us often, from her raised tower of judgment, many hidden truths, that, on the level of any one restrained profession, can never be discerned." This is a noble idea of the office and prerogatives of liberal scholarship, and the metaphor in which it is expressed is worthy of the language of Lord Verulam himself*. The

* It was indeed probably suggested by the following passage in Bacon's *Novum Organon:* "Prospectationes fiunt a turribus, aut locis prœaltis; et impossibile est ut quis explo-

ret

The plan of the work is thus laid down by the author: "The first chapter has what is, in best authority of the antients, belonging to those tythes paid before the Levitical law. The second, the several kinds paid by the Jews under the law, and this from Hebrew lawyers. The third shews the practice of the Romans, Grecians, and some other Gentiles, in paying and vowing them. Then, the whole time of Christianity being quadripartitely divided, with allowance of about twenty years more or less to each part, takes up the next four chapters, in which the practice of payment of tythes, arbitrary consecrations, appropriations, infeodations and exemptions of them, establishment of parochial right in them, as also the laws both secular and ecclesiastick, with the opinions of divines and canonists touching them, are in their several times manifested. But so only, that whatsoever is proper to this kingdom of England, either in laws or practice, either of payment, or of arbitary consecrations, ap-

ret remotiores interioris scientiæ alicujus partes, si stet super plano ejusdem scientiæ, neque altioris scientiæ veluti speculum conscendat."

propriations,

propriations, or infeodations, or establishment of parochial right, together with a corollary of the antient jurisdiction whereto they have been here subject, is reserved all by itself to the next seven chapters." In further illustration of these topics, after some few copies, half written and half printed, were dispersed, the author added some sheets of a *Review*, containing additional authorities and explanations, which he earnestly desires all his readers to peruse, and annex to his work. Thus careful was he to be fortified with all the stores of his extensive reading, in ushering to the world a discussion which he doubtless foresaw was likely to undergo a rigorous and unfriendly scrutiny. He could scarcely, however, have reckoned upon the degree of resentment he actually experienced, and which, it is to be hoped, will be thought extraordinary and unjustifiable at the present day. Although he had obtained a licence to print the book from the archbishop's chaplain, yet when the clergy, upon an attentive perusal, found that, without pretending to decide the question of divine right, he had so arranged the sum of authorities

authorities on each side, that the balance plainly preponderated against it, they complained to the king.

James, who had a divine right of his own to maintain, and a great point of whose policy it was to strengthen the regal authority by the ecclesiastical, and who, moreover, was fond of interfering in all theological matters, summoned Selden to appear before him in December 1618, at his palace of Theobald's, where he was introduced to his Majesty by his friends Ben Jonson and Edward Heyward. In two conferences at Theobald's and one at Whitehall he had much learned discourse with that monarch; and by his deference and humility, and his promise to write something in explanation of certain incidental passages to which the royal examiner objected, he hoped that his Majesty's anger was pacified. This, however, did not prevent his being called, on January 28, 161$\frac{4}{5}$, before some members of the High-Commission court, consisting of the archbishop of Canterbury (Abbot), the bishops of London, Winchester, and Rochester, and three laymen, before whom he

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was induced to make the following declaration:

"My good Lords, I most humbly acknowledge the error which I have committed in publishing the History of Tythes; and especially in that I have at all, by shewing any interpretation of holy Scriptures, by meddling with Councils, Fathers, or Canons, or by what else soever occurs in it, offered any occasion of argument against any right of maintenance, *jure divino*, of the ministers of the Gospell: beseeching your Lordships to receive this ingenuous and humble acknowledgment, together with the unfeined protestation of my griefe, for that through it I have so incurred both his Majestie's and your Lordships' displeasure conceived against mee in behalfe of the Church of England.

"JOHN SELDEN."

Before this eminent person is censured for want of firmness on this trying occasion, candour requires us to cast a view on the terrific powers with which the court of High Commission, established by Elizabeth, and then

then subsisting in all its vigour, was invested. "The commissioners," says Hume, *Eliz. ch.* IV. "were impowered to visit and reform all errors, heresies, schisms, in a word, to regulate all opinions, as well as to punish all breach of uniformity in the exercise of public worship. They were directed to make enquiry not only by the legal methods of juries and witnesses, but by all other means and ways that they could devise; that is, by the rack, by torture, by inquisition, by imprisonment. Where they found reason to suspect any person, they might administer to him an oath called *ex officio*, by which he was bound to answer all questions. The fines which they levied were discretionary, and often occasioned the total ruin of the offender, contrary to the established laws of the kingdom. The imprisonment to which they condemned any delinquent was limited by no rule but their own pleasure." To confront a judicature thus armed required no ordinary share of fortitude; and Selden seems to have thought that he did all that the cause of truth could demand, by avoiding any direct retraction of his opinion, or any acknowledgment

ledgment of error in his statements of fact. "I did most willingly acknowledge," says he to an antagonist, "that I was most sorry for the publishing of that history, because it had offended, and I profess still to all the world that I am sorry for it; and so should I have been if I had published a most orthodox catechism that had offended: but what is that to the doctrinal consequences of it?" If, in giving this turn to his subscribed declaration, he may appear to have practised a little sophistry, and to have incurred the imputation of disingenuousness, what shall we say to the meanness, as well as the tyranny, of the prelates who chose this mode of silencing an author whose researches had touched upon, not a point of faith, but a point in which their own pecuniary interests were concerned? In all instances in which the arm of power is applied to for taking a controversy out of the proper jurisdiction of argument, and intimidating one of the parties, they who employ such unfair means are primarily chargeable with the deviations from truth and integrity which may be the result.

Besides

Besides this forced submission of the writer, the book was prohibited by the same authority; and while his hands were tied up from publishing any thing in his own defence, free liberty was given to every one who chose to attack him or his history with all the virulence of interested polemics. Of this he complains in a letter, dated Feb. 3, 1619, to Edward Herbert (afterwards Lord Herbert of Cherbury), then ambassador to the court of France, to whom he transmits some manuscript notes on the work of one of his censurers. He also affirms, in his "Vindiciæ Maris Clausi," that at an audience of the king at the time when Mountagu was preparing his confutation of the History of Tythes, his Majesty sternly forbade him to make any reply, using these words: "If you or any of your friends shall write against this confutation, I will throw you into prison:"—a truly royal way of interposing in a literary controversy!

From a letter written by Selden to the Marquis of Buckingham, dated May 1620, it appears that he had been strongly urged by that favourite openly to declare his opinion

nion concerning the divine right of tythes. In this letter he states his reasons for declining to pronounce upon the point, which he calls "a question merely of divinity." Repeating the assertion that he is only a historian of the subject, he proceeds to show the difficulties in which he would be involved by deciding either on one side or the other; artfully insinuating, that if he should determine in favour of the divine right, he would have the weight of authority against him; and feelingly adverting to the consequences which had already resulted from his being regarded as its opponent. A remarkable fact relative to the opinion of the church of England herself on the subject is adduced in this piece. He says, "In a book written in behalf of all the clergy, especially of the bishops, by the name of 'An Admonition to the People,' and printed by public authority, and by the late queen Elizabeth's printer, in the twenty-second year of her reign, it is expressly affirmed that it is an error of the papists to hold that tenths and offerings are in the church *jure divino*, and amongst their greatest and grossest errors."

Of

Of Selden's antagonists on this occasion, the first who made his appearance was Sir James Sempil, a Scotch knight, who, in the Appendix to his book entitled "Sacrilege sacredly handled," *Lond.* 1619, made some strictures upon that part of the history which treats on tythes as derivable from the Old Testament. To these Selden drew up an answer, which he dispersed in manuscript among his friends, under the title of *An Admonition to the Reader of Sir James Sempil's Appendix.* In this piece the knight's erudition and reasoning are treated with a good deal of contempt; but both his name and his work would now be completely forgotten had not this notice been taken of them. This knight was doughty enough to join the formidable name of Scaliger to that of Selden, in his animadversions. "I would not willingly," says Selden, "have been in *his* case that in Scaliger's lifetime thus should have offered to correct him."

A more direct and angry assailant came forth in the same year, namely, Dr. Richard Tillesley, archdeacon of Rochester, who published "Animadversions on the History of Tythes,"

Tythes," chiefly relating to the legal part of that work. To this "hot and busy doctor" Selden wrote a *Reply* not less warm, copies of which he sent to his friends. In this is contained that explanation of the nature of his submission to the high commissioners (with which Tillesley had taunted him), which has been already quoted.

An antagonist more formidable from his court interest was Richard Mountagu, afterwards bishop of Chichester, and finally of Norwich; a man of extensive learning, but harsh in his manners, and intolerant in his principles. He published in 1621 "Diatribæ upon the first Part of the late History of Tythes," dedicated to the king, who protected it, as above-mentioned, by forbidding any reply on the part of the person attacked. It was a kind of supplement to Tillesley's work, taking up that part of the subject which he had left untouched. Neither to this, therefore; nor to "An Answer to the Jewish Part of Mr. Selden's History of Tythes," by Stephen Nettles, *Oxford*, 1625; nor to William Sclater's "Arguments about Tithes," did Selden make any reply; and he closed the

controversy

controversy on his part with a short paper entitled *Of my Purpose and End in writing the History of Tythes.* In this he reasserts that the work in question is purely historical, and that he had no intention by it to subvert the doctrine of the divine right: and he warmly denies any falsification of his authorities with which he had been charged, offering to incur the forfeiture of his books if such a thing can be proved against him.

Upon the whole view of this controversy, it will probably be the opinion of the enlightened clergy of the present day, that their predecessors displayed both an illiberal and a needless jealousy with respect to a doctrine that can never be made so clear to the laity, as to become a solid foundation for their claim to an adequate maintenance; and that Selden, whatever were his intention, has done them more service by establishing their legal right to tythes, than injury by bringing into question their divine right. This was the opinion at the time of his friend Dr. Langbaine; and certainly, if the claims of the clergy are placed upon the same footing with the right of individuals to their estates, they

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can have little cause to fear or to complain. It is probable, however, that from this period Selden was regarded as little friendly to the order; and that the persecution he had undergone left his mind in an exasperated state, which rendered him still more inimical to tyrannical exertions of regal and ecclesiastical authority. With respect to the merit of his work, we cannot but smile at the *naïveté* of his clerical critics, who repeat from one to another, that the History of Tythes was that of all his writings which most injured his reputation, and was judged most unworthy of him. Apparently, it exhibits all the depth of research and copiousness of information for which he was distinguished.

The pieces which Selden composed by way of atonement to king James, curiously exemplify some of that learned monarch's theological opinions. The first relates to the famous number 666, of the attempts to calculate and apply which he had spoken with some contempt in his book. But as the king himself had tried his conjectural powers that way, he thinks it necessary to restrict his censure

censure of this "trifling boldness," as he had called it, and treat with some respect the ancient solution of Λατεινος, and some modern attempts to support it, especially "a most acute deduction" of his Majesty's own.

The second is a short passage relative to Calvin's judgment on the book of Revelations, of which that reformer had said, that "he knew not at all what so obscure a writer meant;" a sentence which Selden had pronounced "equally judicious and modest." This had given offence to his Majesty, who, in "his most divine and kingly Premonition to all Princes and States of Christendom," had taken upon himself to interpret this difficult book. Our embarrassed author is therefore obliged to say, that though he commended Calvin for his modesty on the occasion, he did not intend to imply that such a declaration would become all men, as if all were equally incapable of comprehending St. John's meaning; and he proceeds to term his Majesty's interpretation "the clearest sun among the lesser lights."

The third is a treatise "Of the Birth-day of our Saviour," occasioned by an exception

taken by his Majesty against a passage of Selden's Review of the fourth chapter of his History of Tythes. Speaking of the Clementine Constitutions as containing an express direction that the birth-day of Christ should be celebrated on the 25th of December, he thence drew an argument against the authenticity of those Constitutions, inasmuch as the celebration on that day was not adopted in the eastern church till it was borrowed from the western about four hundred years after Christ; and he farther quoted the opinions of some writers who questioned whether that day was the true anniversary of his birth. As it was one of the characteristics of the Puritans, the objects of James's utter abhorrence, that they made a scruple of observing Christmas, and other church holidays, his Majesty was much displeased at the apparent countenance given them by Selden's authority, and urged him to repair the mischief by a treatise on the subject. In consequence of this injunction, "according to what his Majesty's most learned directions had taught him," he proceeds, in an elaborate chronological dissertation, to "declare the

the certainty of that feast, as it is at this day observed, even from the eldest of the christian times."

The three preceding tracts were humbly presented to the king, with an address, which cannot be read without a very painful sense of the degradation incurred by literature when brought in collision with power, unless supported by a proper sense of its own dignity. In the whole of this sacrifice made to the will and prejudices of the sovereign, we discern that "indulgence to his safety" which Lord Clarendon mentions as a feature in the character of Selden; yet a pliability of this kind, proceeding from natural timidity, and operating only defensively, is much less culpable in a moral estimate, than that spontaneous assumption of unreal sentiments and opinions which we too often see practised for profit or advancement.

This ecclesiastical storm had scarcely subsided, and its victim been restored to his usual course of tranquil study, before he became involved in those civil contests which, commencing under the weak and wavering

government of James, brought his successor to the block, after the subversion of the constitution in church and state.

The parliament which the king's necessities had compelled him to convoke in 1621, opened with representations of grievances, which multiplied to such a degree, that James was brought into a very ill humour with an assembly which continually displayed a more determined opposition to that arbitary power, which his theoretical conceptions of regal authority led him at times to exert. On their meeting again in November after a recess, the commons prepared a remonstrance to the king respecting the affairs of the Palatinate, the intended marriage of prince Charles to the Infanta of Spain, and the dangers from the popish party at home; with which he was so much exasperated, regarding it as an interference with his undoubted prerogative, that in a letter to the Speaker he sharply reprimanded the House for its presumption, and positively forbade it to meddle with affairs of state that did not belong to it. Experience of the mutability and want of firmness of this prince had so impaired his authority

authority in the eyes of his subjects, that his letter had no other effect than to produce another remonstrance, in which the commons maintained their right to interpose their advice in matters of government, and to use freedom of speech, as privileges transmitted to them by their ancestors, and a part of the constitution of the realm. The anger of James was not likely to be appeased by this spirited proceeding. He made a reply to their remonstrance, in which he persisted in enjoining them to keep within their proper sphere, and not to touch upon his prerogatives; and concluded with disallowing their claim to their privileges by right of inheritance, asserting them to have been derived from the grace and permission of his predecessors and himself, and therefore "rather a toleration than inheritance;" and intimating that he should allow them only so long as the commons should contain themselves within the limits of their duty.

The crown and the parliament were now at issue on the most important constitutional question that could occur; and it required a much stronger hand than James's to repress the

the elastic spirit of freedom. The commons, on December 18th, entered upon their journals a protestation, in which they reasserted their claims to liberty of speech and interposition with their advice, and declared "that the liberties, franchises, privileges, and jurisdictions of parliament are the ancient and undoubted birth-right and inheritance of the subjects of England." The king, informed of this measure, held a privy-council, at which he sent for the commons' journal, and with his own hand erased their protestation, and soon after dissolved the parliament.

Selden was implicated in these memorable proceedings in the following manner. Being consulted by the parliament on the ancient privileges of that body, he largely discoursed on the subject before the house, and giving way to his feelings, digressed to the imminent dangers from popery, and the injurious practices of the courtiers in alienating the king's affection from the parliament. He was also either the framer or the adviser of the obnoxious protestation. On these accounts, when the king, after the dissolution of parliament,

liament, thought proper to manifest his resentment against the advocates of the popular cause by imprisoning some of the most distinguished among them, Selden was one of those selected for this honour. His confinement was, however, by no means rigorous, for he was committed to the custody of one of the sheriffs of London, who kept him in his own house, and treated him, as he acknowledges, in a very friendly and liberal manner. He was, however, debarred the society of his friends, and restrained from the free use of books; but obtained by his keeper's indulgence the perusal of two works which he particularly requested, the "Alexiad" of Anna Comnena, of which he translated the first books into Latin, and the manuscript history of the monk Eadmer, which he afterwards published. When he had passed five weeks in this manner, he was summoned before some lords of the privy-council; where some captious questions being put to him respecting the jurisdiction of parliament, he was protected by Lancelot Andrews, bishop of Winchester, whom he has recorded as the only prelate who approved his

his History of Tythes. (10) The king's resentment against Selden and his fellow-sufferers, which some courtiers had attempted to aggravate, being now mollified, or, perhaps, his apprehensions of the result being excited, they were all discharged upon their petitions.

This is Selden's own account of the matter in the *Vindiciæ* consequent on the publication of his "Mare Clausum." But from a letter of Bishop Williams (afterwards archbishop of York) at that time lord-keeper of the seals, to the Marquis of Buckingham, published in that prelate's life by Dr. Hacket, it appears that he solicited and obtained the bishop's interest with the all-powerful favourite Buckingham; and also that he advanced a plea for forgiveness scarcely reconcileable with the preceding statement of his conduct in the parliamentary contest with the crown. The letter is further curious as affording a view of the character which this learned man then sustained among his countrymen. Williams, having first interceded for the Earl of Southampton, then under his own custody, proceeds thus:

"Now poor Mr. Selden falls to the same letter

letter of mercy, and humbly petitions your Lordship's mediation and favour. He and the world take notice of that favour your Lordship hath ever afforded my motions: and myself, without the motion of any, do so address my language to intreat for him. The which I do the more boldly, because, by his letter inclosed, he hath absolutely denied that ever he gave the least approbation of that power and judicature lately usurped by the House of Commons. My Lord, the man hath excellent parts, which may be diverted from an affectation of pleasing idle people, to do some good and useful service to his Majesty. He is but young, and it is the first offence he ever committed against the king. I presume therefore to leave him to your Lordship's mercy and charity."

Unless by "the power and judicature usurped by the House of Commons" some claim be understood additional to the assertion of privilege made in its protestation, it is not easy to comprehend how, without equivocation, Selden could disavow the sanction he had given to its proceedings. In his "Vindiciæ" (written, indeed, long after, when he could

could speak freely,) he seems proud to associate himself with the "men of rank, lovers equally of the royal prerogative, and of the just liberty of their country," who suffered with him on this occasion. It is, moreover, apparent that he had offended the king, which must have been by some support he had afforded to popular principles. We may remark, that the letter-writer suggests a trial with him of that method of bringing over a rising man of talents and vigour to the service of the court, which has so often been practised with success. But if ever tried in his case, it failed; for though he had not the spirit of a martyr, he was not mercenary.

In this year, Selden, by order of the House of Lords, drew up a manuscript tract entitled *The Priviledge of the Baronage.* This is a short piece, divided into two sections: the first considering the barons collectively as forming an estate in the upper house: the second considering them singly as barons. It was published in 1642.

About the same time, or somewhat later, he employed himself in composing a tract on *The Judicature of Parliament*, which was not printed

printed till 1681, after his death. It consists of several chapters referring to different matters belonging to parliamentary judicature, as determined by cases and precedents; but the author, by refraining from the publication of the work, seems to have regarded it as incomplete; and it has been judged scarcely worthy of the name of Selden.

There is published in Birch's edition of Lord Bacon's works (vol. III. p. 616,) a letter from Selden, dated Feb. 19, 1621, whence it appears that he had been consulted by that great and unfortunate man, whether the judgment given against him in the parliament of that year, which occasioned his disgraceful fall, were good in law, since the proclamation for its assembling had denominated it a *convention*, and not a *session*. Selden gives his opinion that the parliament must be considered as a session; and that even were it only a convention, the judgment of the upper house would not be invalidated thereby, since it was given by virtue of its authority as a supreme court of judicature. But he thinks that the judgment is rendered of no force, because there is no *record* of it; for the commons

commons had exhibited their declaration upon paper, upon which the lords proceeded to judgment verbally; and the notes of their judgments are taken by the clerk in the journal only, which of itself is no record. The opinion is stated at length in the letter; and Bacon's application proves the high esteem he had for Selden's knowledge of parliamentary law, though it does not appear that he chose to avail himself of the irregularity pointed out. In fact, he rested all his hopes of return to employment and favour upon the merit of past services to the crown, and a humble submission to his punishment.

In 1623 Selden edited the work of Eadmer, the monk of Canterbury, entitled "Historiæ Novorum, sive sui Seculi, lib. VI." containing a relation of the public transactions under William I. and II. and Henry I. from the year 1066 to 1122. Selden dedicates the volume to Bishop Williams, to whom he acknowledges himself under great obligations. In a preface he gives some account of the author, whom he distinguishes from Eadmer, abbot of St. Alban's, with whom he had been confounded by Bale and Pits; and he subjoins

joins notes, and a spicilegium. These afford much curious matter, legal and historical; particularly the laws and customs granted to the English by William I. after the conquest, copied in law French, with a Latin translation. By this publication Selden obtained the general applause of the learned; both friends and enemies perhaps being well pleased to see him return to studies which did not involve any topic of modern dispute. To this immunity he seems to allude in the motto affixed to his *Notæ et Spicilegium:*

> Securus licet Æneam Rutulumque ferocem
> Committas: nulli gravis est percussus Achilles.

When James found it necessary again to summon a parliament, February 162$\frac{4}{5}$, Selden was elected one of the representatives for the borough of Lancaster. By what particular interest, or whether in consequence of a canvas, or through his general reputation, he obtained this seat, we are not informed: probably, his being known as an able supporter of popular rights, and a sufferer in the cause, pointed him out to the electors at a time when the House of Commons was regarded

garded as the great barrier against the claims of regal prerogative, and members were chosen rather for their public principles than their private connections. The session, however, proved an unusually quiet one. The king, having quarrelled with the court of Spain on account of the breach of the negociation respecting the Infanta, and being entirely under the influence of Buckingham, who was actuated by private resentment against that court, was obliged in some degree to give way to the national feelings, and assume a warlike posture; while his pecuniary wants, and the favourite's present desire of popularity, produced the redress of some grievances, and a general spirit of conciliation. The commencement of Selden's senatorial career is therefore not to be traced by any record of public transactions, except that of being a member of some committees; and he is supposed to have passed the two years of his first parliamentary service chiefly in literary pursuits.

That he was closely occupied at this period, may be inferred from a remarkable circumstance attending his connection with the inn of court

court of which he was a member, and which is thus recorded in the register of the Inner Temple. "Whereas an order was made at the bench-table this term, since the last parliament*, and entered into the buttery-book in these words: *Jovis* 21 *die Octobr.* 1624, *Memorandum*, That whereas John Selden, Esq. one of the utter barristers of this house, was in Trinity term last chosen reader of Lyon's Inn by the gentlemen of the same house, according to the order of their house, which he then refused to take upon him, and perform the same, without some sufficient cause or good reason, notwithstanding many courteous and fair persuasions and admonitions by the masters of the bench made to him; for which cause he having been twice convented before the masters of the bench, it was then ordered that there should be a *ne recipiatur* entered upon his name, which was done accordingly; and in respect the bench was not then full, the further proceedings concerning him were respited until this term. Now this day being called again to the table,

* The sittings of the Masters of the Bench in that Inn are so termed.

he

he doth absolutely refuse to read. The masters of the bench, taking into consideration his contempt and offence, and for that it is without precedent that any man elected to read in Chancery has been discharged in the like case, much less has with such wilfulness refused to read the same, have ordered, that he shall presently pay to the use of this house the sum of £20 for his fine, and that he stand and be disabled ever to be called to the bench, or to be a reader of this house. Now at this parliament the said order is confirmed: and it is further ordered, that if any of this house, which hereafter shall be chosen to read in Chancery, shall refuse to read, every such offender shall be fined, and be disabled to be called to the bench, or to be a reader of this house."

As we have no other account of this matter, we are left to conjecture the reasons for his pertinacious and unprecedented refusal to comply with the customary rules of the society to which he belonged. Possibly he might regard it as *infra dignitatem* for one of his high literary reputation, and a member of parliament, to lecture upon common professional

fessional topics. It may, indeed, seem extraordinary that at a time when parliamentary duties were peculiarly imperative, they should not be considered as superseding an inferior obligation. Whatever the case were, the resentment of the society was not permanent; for in 1632 an order is registered for rendering him capable of any preferment in that house, any former act of parliament notwithstanding; and he was called to the bench at the Michaelmas following.

In March 1625 James died, and Charles I. succeeded to the throne. Bred in the highest notions of royal authority, lofty and precipitate in his temper, implicitly confiding in the unprincipled favourite of the former reign, the Duke of Buckingham, and submissively attached to his clergy, he appeared, to those who could look beyond the flattering pageantry of a new reign, inevitably doomed to inherit, with the crown, those contests with the rising spirit of liberty which his father had so rashly provoked. His marriage with a Roman-catholic princess, to whom the education of a future progeny during all the early years of life had been preposterously

committed, gave even additional cause for those alarms respecting popery by which the nation had been haunted under the unsteady government of James.

In the new parliament which was assembled soon after the king's accession, Selden had a seat as one of the representatives of Great Bedwin. The House of Commons immediately entered upon the consideration of grievances, and seemed determined to supply the wants of the crown with a sparing hand till they should be redressed. Charles therefore, after a short session, dissolved the parliament with marks of displeasure.

A second parliament was convoked in the following February, in which also Selden had a seat; and here we first find him taking part against the court by giving, in concert with Wentworth, Noy, and some others, an opinion preparatory to the meditated attack of the commons upon the Duke of Buckingham, namely, "that common fame is a good ground of proceedings for that House." In consequence of this determination, thirteen articles of accusation were framed against the duke; and eight members of the House,

of

of whom Selden was one, were deputed to enlarge upon them in an impeachment before the lords. The part assigned to him was to speak on the fourth and fifth articles, relating to the duke's neglect of duty in his office of admiral, and to a nefarious transaction respecting a French ship, which was detained, and goods to the value of £20,000 taken out of her, and delivered to a servant of the duke's, who kept them and still detained the ship. It cannot be doubted that these topics were committed to Selden in consequence of the attention he was known to have bestowed upon maritime subjects in composing his "Mare Clausum," which treatise, though not yet published, had been presented in manuscript to King James. The heads of his arguments on this occasion are preserved, which are chiefly historical, relating to the office of admiral, as guardian of the seas round England and within its jurisdiction, and also to the maritime law of nations. There appears little in the speech to bring the charges home to the duke; and further proceedings were stopped by the dissolution of parliament, which took place in June 1626.

The king, having thus deprived himself of the legal means of raising money, had recourse, by advice of his privy-council, to various arbitrary measures, such as the levying of tonnage and poundage by his own authority, a forced loan, and a benevolence. In order to induce the subjects quietly to comply with these requisitions, the court divines were called upon to lend their aid, by preaching up the religious duty of passive obedience to the will of the sovereign. One Dr. Sibthorp, in a sermon delivered at the assizes at Northampton, entitled "Religious Obedience," proceeded so far as to assert "that the king might make the laws, and do what he pleased." On applying for a licence for the printing of this discourse to Abbot, archbishop of Canterbury, that prelate, whose doctrine and character caused him almost to be ranked among the puritans, gave him a refusal (for which he was suspended from his functions); upon which Sibthorp addressed himself to Laud, bishop of London. His chaplain, Dr. Worral, a learned man, but of an unsteady disposition, signed an *imprimatur;* but not satisfied with what he had done, he

he sent the sermon to Selden, requesting his opinion of it. Selden was too cautious to commit this to writing; but sending for Worral, he said to him, "What have you done? You have given your sanction to a work full of erroneous principles, which, if they were true, would abolish all ideas of *meum et tuum*, and leave no man in England possessed of property. When the times shall change, and the late transactions shall be scrutinized, you will gain a halter, instead of promotion, for this book." The poor chaplain in great alarm then begged Selden's advice as to what he should do, since his name was subscribed to the licence; upon which he was directed to erase the letters so completely that not a tittle should remain apparent.

Concerning this policy of the church and crown leaguing against the people, it is obvious to remark, that it necessarily exposes both to equal hazard, when arbitrary measures become so intolerable as to bring on some violent political change; and one who impartially contemplates the conduct of the prelates,

prelates, and the doctrines promulgated by the episcopal church, during the early part of Charles's unhappy reign, will scarcely wonder at the destruction of an ecclesiastical establishment which showed itself systematically hostile to constitutional liberty. Many firm loyalists, who drew the sword for Charles when the fatal breach occurred, were so much displeased with the churchmen for their share in bringing on extremities, that they were inclined to sacrifice the prelacy in order to save the king; and if Charles was a martyr to episcopacy, the bishops were not less victims to their attachment to unlimited monarchy.

The forced loan, which was a principal part of the new ways and means, was levied with great rigour; and several gentlemen who refused to contribute to it were committed to prison. Five of these being brought by *habeas corpus* to the court of King's Bench, took exceptions to the return sent with them, "for that it had not the cause of their commitment, but of their detainer in prison *per speciale mandatum regis*, which is no particular

lar cause," and their counsel prayed that they might be released and discharged*. One of those counsel was Selden, who held an argument, Nov. 22, 1627, in favour of Sir Edward Hampden, one of the prisoners. This is inserted in his works, and the most important part of it is what relates to the matter of the return, namely, the imprisonment *per speciale mandatum regis*, without any cause expressed. Selden says on this subject, "The statute of Magna Charta (that statute which, if it were fully executed, every man would enjoy his liberty better than he does,) sayeth expressly, No freeman shall be imprisoned without due process of law: *Nullus liber homo capiatur vel imprisonetur nisi per legem terræ*. My lord, I know these words, *legem terræ*, do leave the question where it was, if the interpretation of the statute were not. But I think, under your lordship's favour, there it must be intended by due course of law to be either by presentment, or by indictment. My lord, if the meaning of the words, *per legem terræ* were but, as we used to say, according to the law,

* Whitelock's *Memorial*.

which

which leaves the matter very uncertain, and *per speciale mandatum*, &c. be within the meaning of these words, according to the law, then this act had done nothing. The act is; no freeman shall be imprisoned but by the law of the land: if you will understand these words, *per legem terræ*, in the first sense, this statute shall extend to villeins as well as to freemen; for if I imprison another man's villein, the villein may have an action of false imprisonment. But the lords and the king (for then they both had villeins) might imprison them, and the villein could have no remedy. But these words in the statute, *per legem terræ*, were to the freeman, which ought not to be imprisoned but by due process of law; and unless the interpretation shall be this, the freeman shall have no privilege above the villein. So that I conceive, my lord, these words, *per legem terræ*, must be here so interpreted as in 42 Eliz. The bill is worth observing: it reciteth, that divers persons, without any writ or presentment, were cast into prison, &c.; that it might be enacted that it should not be so done hereafter. The answer there is, that it is an article

article of the Great Charter this should be granted: so that it seems the statute is not taken to be an explanation of that of Magna Charta, but the very words of the statute of Magna Charta*."

This reasoning, however, and that of the other counsel, was ineffectual. The opinion of the court was, "That the return was positive and absolute by the king's special command, and the signification of it by the lords of the council is only to inform the court. And that the *habeas corpus* is not to return the cause of the imprisonment, but of the detention in prison; that the matter of this return is sufficient, and the court is not to examine the truth of the return, but must take it as it is." The gentlemen were therefore remanded to prison, and were not liberated till it was resolved to call a new parlia-

* It is a plain argument of common sense, whatever it may be of law, that the purpose of Magna Charta being to restrain arbitrary acts of power, the framers of it could never have meant to leave uncontrouled such an act as imprisonment at the royal pleasure. And the same argument will apply to *every other* arbitrary exertion of the same power.

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ment. This body assembled in March 162⅞, when Selden was returned, according to Dr. Wilkins, for the borough of Luggershall; but in his "Vindiciæ" he speaks of himself as then still sitting for Lancaster.

The House of Commons immediately entered upon the important matter of imprisonment by the royal authority without due course of law, and Selden spoke several times on the subject, in which he interested himself with true patriotic zeal. He also took a great share in the measures by which, after many evasions and delays, the king was induced to give his assent to the famous Petition of Right, and pass it into a law. Some of his speeches on these occasions are recorded, which are replete with legal and historical information, though destitute of any thing like eloquence. Of these, one of the most curious and important is an argument upon admitting to bail a person committed "for notable contempts committed against ourself and our government, and for stirring up of sedition against us;" in which the point principally laboured is to prove that the offence entitled *sedition against the king* is not *treason*, but

but only a trespass punishable by fine and imprisonment, and therefore bailable. Another of his speeches, On the liberty of the subject, begins thus: "I was sent hither, and trusted with the lives and liberties of them that sent me. Since I came, I took here an oath to defend the king's prerogatives and rights. I profess, though once I was of counsel, and then spoke for my fee, for the gentlemen in their *habeas corpus;* yet now I speak according to my knowledge and conscience. The question is, whether any subject or freeman that is committed to prison, and the cause not shewn in the warrant, ought to be bailed or delivered? I think, confidently, it belongs to every subject that is not a villein, that he ought to be bailed or delivered." Then follow his reasons for this opinion.

On April 3, 1628, four memorable resolutions were passed unanimously by the House of Commons: of which the first affirmed, That no freeman ought to be imprisoned by the king, privy-council, or any other, without a legal cause for such imprisonment being expressed: the second, That *habeas corpus* ought to be granted upon application

tion in every case of imprisonment: the third, That where no legal cause for the imprisonment is expressed in the return upon a *habeas corpus*, delivery or bail ought to follow: the fourth, That every freeman has absolute property in his goods, and that no tax, loan, &c. can be levied without consent of parliament. On these important resolutions, a conference was directed with the lords, and Sir Dudley Digges, Sir Edw. Coke, Littleton, and Selden were appointed managers on the part of the commons. To Selden was assigned the part of producing matter of record and judicial precedents to justify their declarations. The manner in which he performed this duty seems to have rendered him very obnoxious to the courtiers. Sir John Strangwayes, a member of the House of Commons, having reported that the Earl of Suffolk said in conversation that Selden deserved to be hanged, he was called upon to state exactly what passed; and he affirmed, that the earl said to him, "Sir John, will you not hang Selden?" adding as a reason, with an oath, that he had erased a record. This charge was taken up in high terms by the House, who were convinced that

that it was a calumny, as Selden proved by submitting the records to examination; and a formal complaint of it was made to the lords; and though the earl denied that he had used those words, yet Strangwayes persisting in his assertion, the commons declared in their Journal that the earl had by no means cleared himself.

The Duke of Buckingham was now considered as the cause of all the misgovernment which had spread so much discontent throughout the nation; and when Sir Edward Coke made a motion that the House should acquaint the king in person with their opinion on this head, Selden seconded it, and proposed a declaration against the duke, and that judgment should be demanded against him upon his impeachment in the last parliament. A remonstrance to his Majesty was accordingly drawn up nearly in the terms suggested by Selden, in which that nobleman's excessive power, and his abuse of that power, are declared to be the causes of all the evils complained of; and his removal from authority, and from the royal person, are submitted to his Majesty's wisdom: but the duke's

duke's assassination by Felton soon after, whilst still in possession of the king's entire confidence, put an end to the proceedings against him.

About this time (1628) Selden is supposed, on occasion of the question being agitated in the House of Commons concerning the king's right to the goods of intestate bastards, to have drawn up his short tracts *Of the Original of Ecclesiastical Jurisdiction of Testaments;* and *Of the Disposition or Administration of Intestates' Goods.* Both these are referable to the head of legal antiquities, and consist merely of historical enquiries and deductions.

On the subject of tonnage and poundage, the levying of which by the king's prerogative was one of the prominent grievances of the time, Selden argued, that this impost was ever considered in the nature of a subsidy granted by parliament, and received the royal assent in the same form as other subsidy bills, namely, "The king heartily thanks his subjects for their good will;"—except in one instance, 1 Eliz. in which, through a mistake of the clerk, it was otherwise

wise entered. A remonstrance was in consequence framed by the commons against the undue taking of tonnage and poundage, and presented to the king, who received it with marks of impatience, and after passing the bill of subsidies, prorogued the parliament.

In this interval of his public duties Selden retired to the seat of the Earl of Kent, at Wrest in Bedfordshire, with which nobleman he was particularly connected, and there recreated his mind from the fatigues of political contention by a return to his philological studies.

There had lately been brought from the East to the town-house of the Earl of Arundel, a great patron of the fine arts and of literary researches, among other relics of antiquity, some large marbles, broken and mutilated, but covered with Greek inscriptions. As soon as they were seen by Sir Robert Cotton, he went to Selden, and engaged him to examine them upon the spot on the very next morning. Accordingly, taking for his companions Patrick Young, (11) royal librarian, and the learned Richard James, (12) he repaired to the Arundel gardens.

dens. They first found in different fragments the decrees of the Smyrneans, and their treaty with the Magnesians in defence of king Seleucus Callinicus. These they fitted together, cleansed, and transcribed. The intelligence of such a treasure being dispersed among the learned, Selden was urged to give copies of their transcription; but this he declined, lest errors should be multiplied by successive transcribers; and he promised that it should appear from the press. In the meantime, successive visits to the spot discovered other Greek inscriptions, of which the most valuable were some containing ancient epochas or dates of facts, which, though unfortunately imperfect and mutilated, afforded a number of fixed points in the early history of Greece, of the greatest use in chronology. These compose the celebrated *Arundelian Marbles*, the editing of which was Selden's occupation during the parliamentary recess of this year; and it cannot but inspire a high idea of his extent of capacity and power of mind, that while he was so deeply engaged in important political concerns, he was able to transfer his attention

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to subjects of profound erudition, and maintain his station among the first men of letters of the age. His work entitled *Marmora Arundelliana, sive Saxa Græca incisa*, 4to. appeared in 1629, dedicated to his friend Patrick Young, whose valuable assistance in the task he liberally acknowledges. The inscriptions, to which are added some preserved in ancient Latium, are accompanied by a Preface, an Apparatus and Canon chronologicus, and historical Notes. The publication was received with great interest by the learned at home and abroad, and made a considerable accession to the author's fame, though it was not without errors of moment, which underwent some free criticism. They might, however, have been excused in a first attempt to edite monuments of such remote antiquity, and bearing such marks of the injuries of time. The marbles were afterwards removed to Oxford; and the learned Humphrey Prideaux, under the patronage of Bishop Fell, gave an improved edition of them, with the title of "Marmora Oxoniensia." They have since been edited by Mattaire.

Parliament met again in January, 162$\frac{4}{5}$,

and the commons immediately entered upon the consideration of grievances, of which the first brought forwards was "the increase of Arminians and Papists." In this complaint, it does not appear that Selden took a part, for he did not concur with the puritans in matters of religion. When, however, the printers and booksellers of London presented a petition to the House, stating the restraints laid upon them from publishing books against popery and arminianism, whilst the works which supported those causes were freely licensed by the Bishop of London; Selden, as a friend to the liberty of the press, suggested the propriety of making a specific law concerning printing, as a defence against the arbitrary decrees of the Star-chamber, by virtue of which a bookseller might be fined and imprisoned at pleasure.

Soon after, the great question of tonnage and poundage was resumed by the House; and the cases of merchants whose goods had been seized for non-payment of this exaction during the recess of parliament were taken into consideration. Among these sufferers was Mr. Rolles, a member of that House; and

and it was moved, that the seizure of his goods was a breach of privilege. A debate ensuing, the Speaker was called upon to put the question; when he replied, that "he durst not, for that the king had commanded the contrary." Such an interference with the discussions of parliament, no member who had even the most moderate notions of the rights and privileges of that assembly, could patiently endure; and Selden, who had been the principal promoter of the enquiry into the oppression undergone by Rolles, warmly expressed his displeasure: "Dare you not, Mr. Speaker," said he, "put the question when we command you? If you will not put it we must sit still: thus we shall never be able to do any thing. They that come after you may say they have the king's command not to do it. We sit here by the command of the king under the great seal; and you are, by his Majesty, sitting in his royal chair before both Houses, appointed for our Speaker, and now you refuse to do your office." The Speaker, notwithstanding, persisted in his refusal, and the House, in some confusion, adjourned. When it met again, the former

requisition was repeated to the Speaker, who again declined compliance, and said he had a command to adjourn the House; but as he was quitting the chair, some members forcibly held him in it, while others locked the door: in the meantime a protestation, ready drawn, was voted, purporting, "That whoever should bring in innovation of religion, popery, or arminianism, or should advise the taking of tonnage and poundage, not granted by parliament, or should pay the same, should be accounted enemies to the kingdom." The House adjourned to a day, previously to which, the king, coming to the House of Lords, without sending for the commons, dissolved the parliament*. Some days before, warrants from the privy-council had been issued to Hollis, Elliot, Coriton, Valentine, Hobart, Selden, Long, and Stroud, members of the House of Commons, commanding their personal appearance before it. The first four obeyed, and refusing to answer out of parliament for what was said and done in it, were committed to close custody in the Tower. A proclamation was issued for ap-

* Whitelock's *Memorials*.

prehending

prehending the others, and the studies of Selden, Hollis, and Elliot were sealed up.

Selden, who with the rest had been committed to the Tower, was brought with them by *habeas corpus* to the bar of the King's Bench, in Trinity term, 1629, and the cause of their commitment was returned to be by one warrant from the council, and another from the king, "for sedition and contempt;" at the same time, the attorney-general, Heath, laid an information against them in the Star-chamber. Littleton pleaded for their being admitted to bail; and the judges wrote to the king, informing him, that by their oaths they were obliged to bail the prisoners, but before they did it, they humbly advised his Majesty to send his directions to the justices of the King's Bench for that purpose. This opportunity of appearing gracious was, however, slighted; and it being the determination of the king and council that the culprits should be treated with all possible severity, such delays were interposed, that the matter was put off to the close of the term, when the prisoners were remanded to confinement,

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on account, as the king affirmed in a letter to the judges, "of their insolent carriage at the bar"—that is, they claimed with the spirit of freemen what they knew to be their right! With such contempt of law and justice did the court pursue its arbitrary and vindictive schemes; and so blindly did it rush into contests with a power daily increasing in that strength from public opinion, which is the sole support of all political power not protected by a military force!

Selden and the rest at their first commitment were subjected to all the rigour of what is termed close custody, that is, were debarred from the use of pen, ink, paper, and books—a privation, the severity of which will be conceived by all lovers of letters. "After the lapse of about three months," says Selden in his *Vindiciæ*, "permission was obtained for me to make use of such books as by writing I procured from my friends and the booksellers; for my own library then and long after remained under seal. These were only the Holy Bible, both Talmuds with some later Talmudic writers, and

and Lucian. I also requested from the governor of the Tower* the use of pen, ink, and paper, which was granted; but of paper only nineteen sheets, which were at hand, were allowed, each of which was to be signed by the governor, that it might be ascertained how much, and what, I wrote, nor did I dare to use any other. In these, during my prison leisure, I copied many extracts from the above books, which I have now in my possession, thus signed and bound."

At the approach of Michaelmas term, the judges, sensible of the invidiousness attending this illegal imprisonment, caused the detained members to be brought before them at Serjeant's inn, and gave them to understand that they were ready to grant them their liberty, provided they would singly give bail, not only for their appearance on a day specified, but also, with a great penalty annexed, for their future good behaviour—"An engagement," says Selden, "customarily required only from those who are charged with some atrocious or infamous crime, but lately

* Sir Allen Apsley, whom Selden styles a man of great humanity, and who was father of the excellent Mrs. Hutchinson.

enjoyned

enjoyned by the tools of court upon all who oppose its designs." The culprits, however,* agreed in thinking that such a condition was repugnant to the dignity of parliament, and to the rights of the people of England; and after some altercation with the judges, who would not venture to pass the limits prescribed by the court, they were remanded to prison. On the first day of term, however, a motion was made for bringing them by *habeas corpus* into Westminster-hall, which being complied with, they appeared, and were told by the judges as before, that they would consent to liberate them upon surety for good behaviour, but not otherwise. Thereupon, Selden, who spoke for the rest, alledged that "their sureties* were ready for the bail, but not for the good behaviour; and requested that the bail might first be accepted, and that they might not be urged to the other." For this he assigns various reasons, concluding, "We demand to be bailed in point of right, and if it be not grantable of right, we

* Selden mentions as his own sureties, Henry afterwards earl of Bath, Robert earl of Essex, Sir Robert Cotton, and his son Thomas Cotton.

do

do not demand it. But the finding of sureties for good behaviour is a point of discretion merely; and we cannot assent to it without great offence to the parliament, where these matters which are surmised by return were acted: and by the statute of 4th Henry VIII. all punishments of such nature are made void and of none effect."

The judges, however, persisted in requiring security for good behaviour; and as the prisoners were equally resolved not to give it, they were remanded to the Tower. In the same term, the king's attorney exhibited an information in the King's Bench against Selden, Hollis, Elliot, and Valentine, to the same effect as had been done in the Star-chamber. The defendants made an exception against the jurisdiction of the court, on the ground that the offences were said to have been committed in parliament, "and ought not to be punished in any other court except in parliament." But this was overruled, and judgment given against them upon the plea *Nihil dixit*, "that they should be imprisoned, and not delivered till they had given

given security for their good behaviour, and made a submission and acknowledgment of their offences."

The reason for the pertinacity of the court in requiring, and their's in refusing, surety for future good behaviour, is manifest. By such a bond, these men, who were leaders in opposition, would have been restrained through the fear of a heavy penalty from any active measures either in or out of parliament, since it would have been easy, as judicatures were then constituted, to have procured the construction of such measures into violation of good behaviour. Thus the court would with little trouble have disarmed and silenced several of its most formidable adversaries.

It is affirmed by Dr. Wilkins in his Life of Selden, that the king, regretting the confinement of so many eminent persons, sent a message privately to them, supposed to have been by his chaplain Dr. Mosely, importing that if they would present a petition to his Majesty, the process should be terminated, and their liberty restored; but that they all rejected

rejected the offer*. If this were the case, the objection probably arose from the terms of the required petition, containing an acknowledgment of fault. Selden himself, however, in the circumstantial narrative given in his *Vindiciæ*, mentions nothing of the kind; but he says, that after their last recommittal, the anger of the court being somewhat mitigated, an order was sent from the privy-council to the governor of the Tower to relieve his prisoners from the close custody in which they had hitherto been kept, and allow them the liberty of the space within the walls, with free communication with their friends. The principal cause of this indulgence, however, he asserts to have been, that whereas they had, according to custom, been liberally dieted at the expence of the crown while in close confinement, they were now to provide for themselves. Considering, therefore, that it would be more difficult for them to obtain leave of going occasionally abroad, at the Tower than at another prison, they

* That Dr. Mosely was really sent to persuade them to submit to the king, appears from a passage in Selden's "Table-Talk."

were

were desirous of changing their quarters; and two or three weeks afterwards, Selden and Stroud with little difficulty procured their removal by *habeas corpus* to the Marshalsea prison; which he supposes to have been unexampled without a direct petition. Their fellow-prisoners also were transferred to the same place, to which they were all committed on the former condition, namely, until they should give security for good behaviour.

Selden was detained in the Marshalsea till May in the following year, 1630; but his imprisonment was now little more than nominal, since he could go abroad at pleasure, on conforming to certain rules, and could pursue his studies uncontrouled. Among other works, he here wrote his book *De Successionibus* (hereafter to be mentioned), to which he prefixed a motto from the poem of Prudentius on the Soul:

Et sordes arcta inter vincla recusat;

meaning to allude to the disgraceful condition of liberation which he had rejected. The plague then raging in Southwark, where the Marshalsea

Marshalsea prison was situated, Selden, by means of his friend Sir Toby Matthews, obtained from the Earl of Portland, lord-treasurer, the permission of being transferred to the Gate-house in Westminster; and he had also had leave to pay a visit to the Earl of Kent, at Wrest. Intelligence of this circumstance having reached the illustrious Grotius, who had a high esteem for Selden, he wrote the following paragraph in a letter to the celebrated Nicholas Pieresc: "Ex Magna Britannia nihil habeo boni post Marmora Arundelliana, nisi hoc unum; libero cœlo frui virum optimum et civem fortissimum, Seldenum, faventibus bonis omnibus."—*Epist. ad Gallos.* (From Great Britain I have nothing good since the Arundelian Marbles, except that that excellent man and intrepid citizen, Selden, is enjoying the free air, to the satisfaction of all good men.) Grotius, who had himself been a martyr to his exertions for the liberty of his country, could perfectly sympathize with another learned man, who had pursued the same honourable line of conduct.

When the judges were returned to London at

at Michaelmas term, upon finding the prisoner removed without their concurrence, they made a complaint to the lord-treasurer of the irregularity of the proceeding, imputing the suggestion of it to Selden's contempt for the courts of law, and his fondness for opposing them. The treasurer apologized, by assuring them that Selden had solemnly affirmed the removal to be legal. That he really intended to manifest disrespect for the judges, of whom, in his *Vindiciæ*, he speaks with great bitterness, is manifest, from his declining to join his fellow-prisoners, Hobart, Stroud, and Valentine, in a petition to them, by which these gentlemen had previously obtained the favour of a removal; and waiting till they had set out on their circuits, when he made his application to the treasurer, as scorning to be obliged to men whom he considered as profligate tools of the court. The result was, that he was remanded to his former place of confinement, where he remained till the following May; when some suits of law being instituted between the Earls of Arundel, Shrewsbury, Kent, Pembroke, and Montgomery, concerning the right

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to certain estates, of which Selden had an accurate knowledge, the Earls of Arundel and Pembroke employed their interest with the king to procure him his liberty, on giving bail for his appearance within a certain period at the bar of the court, or before one of the judges. From that time to the beginning of the year 1634 he was suffered to be at large on bail without undergoing any restraint; when, on his petition to the king (the first he had presented), the bail was discontinued: and thus terminates the history of his different imprisonments.

Selden's literary studies at this period of his life were of a kind extremely alien from the stormy scenes in which he was politically engaged; for they chiefly related to the history and antiquities of the Jews. During his confinement in the Marshalsea he employed himself in composing his learned work *De Successionibus in Bona Defuncti ad Leges Ebræorum*, first printed in 1631, with the spirited motto above cited, and of which he published a much enlarged and corrected edition in 1636, together with a treatise *De Successione in Pontificatum Ebræorum*, dedicating

cating both to Laud, then archbishop of Canterbury. The dedication is remarkable, as it displays the state of his mind after long experience of the frowns, and some return of the favour, of the court. That he should at all choose for a patron the man whom he must have known as perhaps the most determined enemy in all England to that political liberty of which he had been a champion, must appear extraordinary, and will doubtless injure his character for consistency in the eyes of many. But Selden's parliamentary career was now suspended, and his patriotic ardour, if yet unquenched by the persecution he had undergone, had no longer a proper sphere for exertion. In religious opinions he had never joined the party which was most violent in opposition to the court, and which regarded Laud with peculiar detestation. This prelate's eminent services to learning could not fail of their due estimation in the eyes of one so much devoted to its cause; and he himself, as a man of learning, had received personal favours from the archbishop.

The dedication begins with the remark, that

that there are two classes of men who are attached to Hebraic studies: one, of those who seek in the Jewish writings for arguments to justify innovations upon the most generally received doctrines and practices of christianity; the other, of those who, acquiescing in the faith and rites transmitted to them by their ancestors, study the history and antiquities of the Jews only for the purpose of critical elucidation. Among the first, who, he says, are deservedly the objects of cordial hatred to a prelate, the great assertor and defender of christian doctrine and discipline, he points out the two sects, one of which adopts the sabbatical rites of the Jews, the other, rejecting the satisfaction of Christ, considers him only as a teacher and example of morality;—evidently alluding to the Puritans and Socinians. That Selden was sincere in his condemnation of these sects is sufficiently probable; but I should hope that he could not deliberately approve the fierce intolerance and the puerile superstition of Laud, which were more instrumental in bringing on the ruin of church and state than any other grievances of the reign.

To the work *De Successionibus in Bona Defuncti* are prefixed *Prolegomena*, relating to the utility of enquiries into this part of Hebrew law; to the oath *per Anchialum* mentioned by Martial; to the two Talmuds; and to the schools of law at Jerusalem before its destruction under Vespasian. The work itself contains twenty-seven chapters, in which all the particulars respecting the laws of succession to property among the Jews are severally discussed.

The tract *De Successione in Pontificatum*, said by the author to have been composed at Wrest in the summer of 1634, is divided into two books, of which the first is historical, containing the succession of high-priests from Aaron to the destruction of the second temple; the second is juridical, comprehending the laws of the pontifical succession, and of admission to the sacerdotal office. Both works were re-edited at Leyden in 1638, with additions by the author; and at Frankfort in 1673.

One of the characteristics of the puritans of this age was an abhorrence of all kinds of scenic exhibitions, which they regarded as absolutely

absolutely condemned by the laws of christianity; and Prynne, a man noted for his sour and contentious disposition, as well as for the multitude of his writings, and also, more creditably, for his great legal erudition, published in 1632 a book entitled "Histrio-Mastix," in which he anathematised all dramatic performances, and particularly inveighed against the appearance of females on the stage. This work gave great offence at court, where dramas were occasionally represented, in which the queen herself took a part*; and it brought upon the author a prosecution, chiefly instigated by Laud, to whom Prynne was already obnoxious for his writings against arminianism and episcopacy, the consequence of which was a heavy and cruel punishment. In order to display their aversion to puritanical rigour, and countenance the court amusements, the principal members of the four inns of court planned in 1633 a royal Masque, or grand pageant, for the management of which a committee was appointed of two members from each. Selden did not think

* It had, however, been composed, as the author proved, before the queen had thus exhibited herself.

it unbecoming the gravity of his character to serve on this committee, in which he had such associates as Noy, the attorney-general; Hyde, afterwards Lord Clarendon; and Whitelock, who, in his *Memorials*, has described these legal magnificences with a minuteness that savours a little of personal and professional vanity. Selden's concurrence in this festivity has been adduced, very unnecessarily, as a proof that he stands clear of the imputation of puritanism; an imputation for which I discover not the least ground either in his conduct or his writings, but rather, in both, a marked aversion to that sect. It is more an argument that at this period of his life he had no dislike to the good graces of the court, to which he established a further claim on the following occasion.

In 1634 the Dutch had almost monopolized the northern fisheries; and discussions having been entered into concerning their right of frequenting, and taking herrings on, the British shores, it was recollected that Selden many years before had written a treatise to assert the English dominion of the sea. Of the composition of this work, which, under the

the title of *Mare Clausum*, was first published in 1636, the history merits a detail.

The illustrious Grotius, as early as 1609, had published a work entitled "Mare Liberum," in order to establish the right of the Dutch to navigate to the East Indies, in opposition to the exclusive claim of the Portuguese*. Some years afterwards, Selden, among his various studies, engaged in a refutation of the principles of this performance; for although the "Mare Clausum" is not avowedly an answer to the "Mare Liberum," the contrasted title evidently shews that the author had that work in view. At the time when Selden's History of Tythes had brought him into disgrace with king James, the admiral of England having heard of his writing

* Whitelock makes the strange mistake of supposing this book to have been written in consequence of the disputes with the Dutch relative to the herring fishery; and his error is copied by Wilkins. It had, indeed, been reprinted by the Elzevirs in 1633, with the addition of Pauli Merulæ Dissert. de Maribus; Boxhornii Apologia pro Navigationibus Hollandorum adversus Pontem Heuterum; and the Treaty of Peace and Commerce between Henry VIII. of England and Philip Archduke of Austria: which is an evidence of the attention paid to these topics by the Dutch at this period.

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on the subject of the dominion of the sea, probably with the intention of doing him service, mentioned the circumstance to the king, who ordered him to prepare the work for publication. Selden obeyed, and in the summer of 1618 presented a fair copy of the treatise to his Majesty, who, after perusing it, gave it to the admiral in order to be examined by Sir Henry Marten, president of the court of admiralty. He read and approved it, and the manuscript was returned to the admiral, who took Selden with his book to the king's closet for the royal *imprimatur*. James was just about to sign it, when he observed, "I recollect something is said here concerning the northern sea which may perhaps displease my brother of Denmark, and I would not now have him offended, because I owe him a large sum of money, and am going to borrow a greater." It was therefore returned to the author for alteration. When this was effected, the work was for some time under the inspection of the Earl of Pembroke; but at length the king and his ministers seem to have lost all interest in it, and the papers were suffered to lie above fifteen years forgotten

gotten in Selden's cabinet. It was hinted to him, as one cause of this neglect, that some officious persons had insinuated to the admiral, that certain things in the treatise appeared to restrict the jurisdiction of the Admiralty Court; and also, that the king himself fancied that the mention made in it of certain treaties with foreign powers might prove prejudicial to his views. In the subsequent reign other subjects fully occupied Selden's attention, as well as that of the court; and it was not till the spring of 1635 that, the king's maritime rights being called into question in discussions with the Dutch, some men of rank about the royal person who had formerly heard of the work, persuaded his Majesty to command its publication. The manuscript was therefore corrected and revised by the author, and having been inspected by the king and some of the council, was sent to the press in that year.

The preceding account is given at large by Selden in his *Vindiciæ Maris Clausi*, by way of refutation of what he considered as a gross calumny advanced by Theodore Graswinckel in his "Maris Liberi Vindiciæ adversus Petrum

trum Baptistum Burgum, Ligustici maritimi Dominii Assertorem." That writer, after quoting from Burgus the information that "Selden has lately published an entire work on the dominion of the British sea," added, "Non mirum: virorum enim ille inter seculi nostri primicerios numerandus, et meliore fortuna dignus, fati sui infelicitate, carceris se non digni colonus erat. Hinc ut exiret, seque libertati amissæ redonandum sperare daretur, animum ad scribendum appulit, et

Id sibi negotii credidit solum dari
Domino ut placerent quas fecisset fabulas.

Neque talia agitantem successus destituit." (No wonder: for that person, who may be numbered among the first characters of our age, and was worthy of a better fortune, through the rigour of his fate became the inhabitant of an unmerited prison. That he might be released from this confinement, and hope to recover his lost liberty, he applied himself to writing, and "Thought it his sole business to invent fables which might be pleasing to his master"—nor did his efforts fail of success).

By this narrative, therefore, and that of his different

different imprisonments, he makes it clear that the composition of this work was anterior to his first confinement, and its publication posterior to his final enlargement, with which it had no concern. Whether or not in its revision he made additions to favour the purposes of the court at that time, could only be known from a comparison of the two manuscripts*.

The work bears the following title: *Mare Clausum, seu de Dominio Maris, Libri duo. Primo, Mare, ex Jure Naturæ seu Gentium, omnium hominum non esse commune, sed dominii privati seu proprietatis capax, pariter ac Tellurem, demonstratur. Secundo, serenissimum Magnæ Britanniæ regem Maris circumflui ut individuæ atque perpetuæ Imperii Britannici appendicis, dominum esse, asseritur.* (The Closed Sea; or, on the Dominion of the Sea, two Books. In the first, it is demonstrated that the Sea, from the Law of Nature or of

* He himself, in his dedication, speaks of it as almost rewritten. "Tot in ea sunt emendata, tot dispuncta, recocta, limata, immutata, tanta insuper accessio ubique facta est, ut pristino, quantum erat, lineamento plerumque disparente, exeat omnino nova."

Nations,

Nations, is not common to all men, but is the subject of property equally with the Land: In the second, the King of Great Britain is asserted to be lord of the circumfluent Sea, as an inseparable and perpetual appendage of the British empire.) It is dedicated to king Charles; and the preface is dated from the Inner Temple, Nov. 4, 1635.

In the first part, Selden lays his foundation deep in disquisitions on the nature of right and dominion; and then proceeds to give examples of maritime dominion asserted and exercised by different nations in ancient and modern history. In several of these, however, he will probably appear to have confounded naval power with maritime dominion, especially in the instances of the Greek states which are said θαλασσοκρατειν, which word, as he acknowledges, often means no more than to possess a superiority by sea. And in point of fact, the dominion of the sea, historically considered, will perhaps be found to import no more than the power alternately possessed by different states, of ruling in the portions of sea adjacent to their own coasts, and dictating to their neighbours such

such conditions of navigating them as they thought expedient. In this view, there are abundant instances of the assertion of such a dominion, which has been acquiesced in only so long as it was supported by a powerful navy.

The second part, in which British maritime dominion is attempted to be established, begins with a quadripartite division of the British seas according to the four cardinal points; and proceeds to show the right of sovereignty exercised in all these at different periods. A dominion over these parts of the surrounding ocean is traced from hand to hand in the Roman, Saxon, and Norman times, as accompanying the several changes in territorial power. The office and jurisdiction of admiral of England are deduced from ancient diplomas; and arguments are brought to prove, that the admirals of the opposite coast of France did not pretend to the same authority in the Channel with those of England. The permission of transit and of fishery granted by the English kings at different periods to strangers, is adduced as a cogent proof of the British sovereignty in these seas; which is confirmed by the rules and limits assigned

assigned in them to foreigners at war with each other, but mutually in amity with England. The assumption or incidental mention of this maritime dominion of our kings in their charters and public records, and its recognition in our law books, are adverted to as additional testimonies of the existence of such a claim; and the same is regarded as acquiesced in by foreign nations in the ancient and established custom of striking sail to English ships of war in the surrounding waters. After the production of further proofs of a similar kind, the book concludes with a distinct consideration of the dominion of the king of Great Britain in the Irish and Scottish seas; and the author sums up the whole in the following passage. After quoting some very apposite lines of Grotius's complimentary address to king James on his accession to the crown of England (in which the flattery of the poet seems to have got the better of the prudence of the politician), ending with

Finis hic est, qui fine caret. Quæ meta Britannia
Littora sunt aliis; regnique accessio tanti est
Quod ventis velisque patet;

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he adds, " And true it is, according to the mass of testimony above adduced, that the very shores and harbours of the neighbouring transmarine princes are the southern and eastern bounds of the British maritime empire; but that in the vast and open northern and western ocean they are to be fixed beyond those wide-spreading seas which are occupied by England, Scotland, and Ireland."

Such are the general contents of a book which afforded an additional proof of the learning and deep research of the author, as well as of his attachment to the honour of his country; and was considered, on this side of the water, as fully establishing the British claim to maritime dominion. So important was it deemed in this view, that it received a public sanction from the king and council, who adopted it as a most valuable record and declaration of the national rights. The following entry was made in the minutes of the privy-council, dated March 26, 1636:

" His Majesty this day in council taking into consideration a book lately published by John Selden, Esq. intituled *Mare Clausum, seu de Dominio Maris*, written by the king's command,

command, which he hath done with great industry, learning, and judgment, and hath asserted the right of the crown of England to the dominion of the British seas; the king requires one of the said books to be kept in the council chest, another in the court of Exchequer, and a third in the court of Admiralty, as faithful and strong evidence to the dominion of the British seas."

It was not, however, to be expected that arguments in support of the exclusive claims of one nation should be readily acquiesced in by those against whom they were asserted; and accordingly it has been held in Holland and other countries on the continent, that Selden by no means refuted the principles of the "Mare Liberum," and that he was fully answered by posterior writers. In such a controversy, the philosopher will perhaps find that precedents have been made to serve instead of principles, and that acts of power have been represented as assertions of right; the jurist will be unwilling to admit into the code of national law any article that militates against the fundamental principle of equality and reciprocity between nations; while the politician

politician will be inclined to smile at the importance attached to argumentative justifications of claims, which can never be made good in practice but by such a preponderance of force as would give them effect without any argument. It is certain, that the more able Great Britain has become to assert her maritime empire by force of arms, the less solicitous she has been to avail herself of supposed rights derived from remote antiquity, which, if disputed, could not be established without compulsory means.

A passage relative to this work, derogatory to Selden's character as a patriot, in Bishop Nicolson's "Historical Library," has been properly noticed and refuted by Dr. Wilkins. That writer says, "'Tis very plain that when the author penn'd this book, he was not such an inveterate enemy to the prerogative doctrine of ship-money as afterwards: for he professedly asserts that, in defence of their sovereignty at sea, our kings constantly practised the levying great sums on their subjects, without the concurrence of their parliaments." It is in the fifteenth chapter of his second book that Selden treats on this matter, in which

which he adduces, as a further evidence of the dominion of the sea exercised by England, the tributes and taxes accustomed to be levied for the custody of it from the time of the Norman conquest. He begins with the Saxon tax of Danegelt, which he finds to have been occasionally levied by the Norman kings; once, particularly, by William Rufus, "with consent of his barons, but not by sanction of a law." And that this was regarded as a grievance, appears from king Stephen's promise, among other popular measures, entirely to abolish Danegelt. In fact, this tax was not paid later than the reign of Henry II.; and *parliamentary grants* for the purpose of guarding the seas, after its cessation, are cited by Selden under Edward I. Richard II. and Henry VI. He goes on to say, "Why do I quote these instances, when in the printed parliamentary records it frequently occurs, by way of preamble to a statute, 'that the kings of England from time immemorial have received *by authority of parliament* great sums of money under the title of a subsidy, or a tax upon goods imported or exported, for the defence of the realm,

realm, and the keeping and safeguard of the seas?" It is most extraordinary that Nicolson, with this passage full in his view, could represent Selden as countenancing by his authority the unconstitutional imposition of ship-money without the intervention of parliament!

The *Mare Clausum* was translated into English in 1652, at the time of the breach between the English commonwealth and the states of Holland, by Marchmont Needham, who took the liberty of suppressing the dedication to Charles, and substituting one to the republic. He also added an Appendix, containing some documents contributed by president Bradshaw. Another and an improved translation was made after the Restoration by J. H. (probably James Howel), and published in 1663; whence may be judged how flattering its doctrine was to the feelings of Englishmen.

Selden had now a stock of merit with the court which might have opened to him prospects of advancement under the crown, had his principles been conformable to the system of administration then carrying on. But

he seems never to have wavered in those political ideas which had first led him to be an opposer of arbitrary and unconstitutional measures; and although we have no information of the conduct he was pursuing, and the connections he was cultivating, in the four years succeeding the publication of his last work, yet we may suppose, from the sequel, that he was preparing to take his part in the grand reformation of abuses when the period for its commencement should arrive. The rash attempt to force episcopacy upon Scotland brought on this period in the year 1640, at the beginning of which a parliament, after long intermission, was called. It was hastily dissolved in displeasure; but the king's urgent necessities obliged him to convoke another of these dreaded assemblies in the November following: it proved the too famous Long Parliament! The high reputation of Selden as a man of learning was evinced by his being unanimously chosen one of the representatives for the university of Oxford. At the same time, the well known loyalty of that body warrants the conclusion that he must have been regarded as not personally

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sonally obnoxious to the king, or unfriendly to the cause of monarchy. The parliament met, irritated with the late dissolution, and in general animated with a determination effectually to sweep away the accumulated abuses and oppressions of the reign, and to inflict such a severe vengeance upon the authors of them as might deter any future ministers of the crown from pursuing similar measures.

The name of Selden appears in a committee nominated on the first day of the meeting of parliament, to hear petitions against the arbitrary proceedings of the Earl-Marshal's Court, or Court of Honour. Hyde was very zealous in the correction of this abuse, and sat as chairman of the committee; and upon its report, the House of Commons voted the court to be a grievance, and it was abolished.

Selden was soon after elected member of a committee to draw up a remonstrance concerning the state of the nation. This paper, which contained a very full and warm exposure of grievances, appeared to Hyde of so inflaminatory a tendency, that he wrote a reply to it, which was the means of intro-

ducing him to the king, and engaging him in his service. These two friends, therefore, appear now to have taken their stations in the opposite parties.

On November 11th, Pym opened the battery against the Earl of Strafford, the result of which attack was an awful prelude of the tragical events which occupied all the remainder of this unfortunate reign. Selden's name is found in all the committees appointed to conduct measures preparatory to the impeachment of this great statesman; such as searching the records of attainders for precedents, drawing up articles of accusation, holding conferences with the lords respecting the examination of witnesses, and the like. But as he was *not* one of the members appointed to manage the evidence on the earl's trial, it may be concluded that his mind was not satisfied concerning the grounds of this celebrated impeachment; and indeed he was so publicly known to have objected to the proceeding, that his name was inserted in a list of members posted up in Old Palace yard by some party zealots, and branded with the appellation of "Enemies of Justice."

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In the mean time he was assiduously performing his duty in parliament relative to various weighty matters. He was joined in a conference with the lords concerning the treaty entered into at Rippon between the two kingdoms of England and Scotland. He was member of a committee to examine into illegal proceedings in the Exchequer chamber respecting the payment of ship-money; on which occasion he argued against the legality of the judgments which that court had pronounced on the ground of the grant of tonnage and poundage for life to king James, as if it had extended to the reign of his successor.

Among other irregular exertions of power which the commons took into consideration, was the framing of certain new canons and constitutions, and the grant of a benevolence to the king, by the convocation of clergy which met in 1640. Selden was in a committee appointed on December 9, to procure convocation-warrants preparatory to the further examination of this matter. The result was the passing of some resolutions by the House, declaring that the convocation had no power

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to make canons and constitutions binding upon the clergy and laity, without the concurrence of parliament; and that those made by the convocation in question contained matters contrary to the royal prerogative, the laws of the realm, the right of parliament, and the liberty of the subject. This enquiry appears to have occasioned great alarm among the prelates; for there is extant a letter from Archbishop Laud to Selden, dated Nov. 29, 1640, requesting his interposition to render the House satisfied with an abrogation of the canons by the clergy themselves, for which he promises that he will immediately move the king to grant a licence. "We hear," says the archbishop, "that ship-money is laid aside as a thing that will die of itself. May not these unfortunate canons be suffered to die as quietly without blemishing the church, which hath so many enemies both at home and abroad?" The whole letter is written in a strain of humility, that from such a man strikingly displays the terror excited in the breasts of those who were conscious of having exercised with little moderation, the powers with which they had been

been invested under an arbitrary system of government. It is probable that this application from Laud, with whom he was upon terms of friendship, as well as connected by their mutual relation to the university of Oxford, produced an effect upon Selden's mind; for we do not meet with his name in the list of a committee appointed to prepare the votes against the canons in question, and to make further enquiries concerning the passing of them, for the purpose of obtaining matter for a personal charge against the archbishop.

In the reformation of religion which was prosecuting with so much zeal in the House of Commons, where some from political, and others from theological motives were bent upon overthrowing the existing church establishment, Selden steered a middle course, as one who was an enemy to the usurpations of ecclesiastical power, yet was friendly to the doctrine and discipline of the church of England. Certain ministers having presented a remonstrance to parliament respecting church government as then exercised, a kind of logical skirmish took place between

Selden

Selden and Harbottle Grimston, in which the former argued against the discussion of religious topics in that House. The contest, as reported by Rushworth, affords a curious specimen of the mode of reasoning then sometimes practised in the House of Commons. The subject was the suspension of ministers from their function by episcopal authority. Grimston thus states his argument: "That bishops are *jure divino* is a question; that archbishops are not *jure divino* is out of question. Now that bishops, who are questioned whether *jure divino*, or archbishops who out of question are not *jure divino*, should suspend ministers that are *jure divino*, I leave to you to be considered." Selden retorts: "That the convocation is *jure divino* is a question; that parliaments are not *jure divino* is out of question; that religion is *jure divino* there is no question. Now, Sir, that the convocation, which is questionable whether *jure divino*, and parliaments, which, out of question, are not *jure divino*, should meddle with religion, which, questionless, is *jure divino*, I leave to your consideration." This, however, was mere dialectical fencing; for Selden

Selden well knew that there was a standing committee of religion in parliament, and that the ecclesiastical discipline and government, if not the doctrines of the church, were regarded by a large party as proper subjects of parliamentary discussion.

On January 31, 164$\frac{2}{3}$, a declaration was read in the House of Commons against bishops and episcopacy, which Selden, conformably to his principles, attempted to defeat, by forcibly arguing that the parliament was not invested with due authority to treat on such a matter: but it was replied by some members, that the king had entrusted them with that power; and the reforming party procured a bill to be twice read, "for the abolishing of superstition and idolatry, and the better advancing of the true worship and service of God," appointing Selden himself of the committee to whom the business was delegated. Complaints having been made to the House of the interference of some clergymen in political questions, a resolution was adopted to divest the clergy of all temporal authority. In the debates on this subject it was enquired whether bishops sat in parliament

parliament as barons and peers of the realm, or as prelates. On this question Selden gave an opinion that they sat in neither capacity, but as representing all the clergy of their diocese. This opinion influenced the framing of the motion, which was in the following terms: "1. That the legislative and judiciary power of bishops in the Upper House is an impediment to their spiritual functions, and is injurious to the state; whence it is just that it should be abolished by act of parliament: 2. That if the office of a justice of the peace, or judiciary authority in the Star-chamber, or in any other civil court, be granted to bishops or other clergymen, their spiritual functions will be impeded, and detriment accrue to the state; whence it is just that they should be deprived of such power by law." And a vote to that effect passed the House on March 10, 164$\frac{2}{1}$.

It was doubtless before Selden's attention was occupied with the important matters under discussion at this critical period, and probably during the four years which appear as a blank in his biography, that he was engaged

gaged in the composition of one of his most elaborate works, published in 1640, and entitled *De Jure Naturali et Gentium juxta Disciplinam Ebræorum, Libri septem.* Although the design is supposed to have been suggested to the author by Grotius's celebrated treatise "De Jure Belli et Pacis;" yet its subject and method are totally different; and its motto, from Lucretius (Loca nullius ante trita solo, &c.) claims for it absolute novelty of topic. It is without a dedication—an observable circumstance, indicative of the dubious complexion of the time in which it appeared; but is ushered in by a preface, presenting a plan or analysis of the work, which the variety of its matter and intricacy of its arrangement rendered highly expedient.

Speaking first of the title, he explains the *Jus Naturale* to mean the law of the world, or universal law; and the *Jus Gentium* to be the peculiar law of different nations: and quotes for these significations the apposite line of Lucan,

> Sed neque *jus mundi* valuit, neque *fœdera sancta Gentium.*

But this natural or universal law he limits,

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in his treatise, to those precepts which the Jewish books and traditions lay down as delivered by Noah to his posterity, and as supposed to have been derived by him from the first man, to whom they were given by God. Of these, seven heads are enumerated, namely, concerning, 1. foreign worship, or idolatry; 2. blasphemy; 3. homicide; 4. illicit concubinage; 5. theft; 6. eating of parts severed from a living animal; 7. judicial proceedings and civil obedience. The work itself is disposed in the following manner. After an introductory book on the Hebrew philosophy, and on the sources of natural law according to the Jewish writers, in which the supposed origin and authority of the Noachide precepts is particularly considered, it proceeds, in other books, to treat on the precepts themselves. These are made heads, under which the whole of the law, and civil and religious polity, of the Jews is digested, distinguishing that part of them which belongs to natural or universal law, from that which is national or municipal. It is evident from this sketch, that the work is to be regarded as historical rather than philosophical;

cal; and therefore, although the opinion given of it by Le Clerc *(Bibl. Chois.* vol. IX.) may be well founded, it does not follow that Selden is censurable for not having performed what he never proposed. That critic says, "Selden only copies the rabbins, and scarcely ever reasons. His rabbinical principles are founded upon an uncertain supposition of the Jewish tradition, that God gave to Noah seven precepts, which all the human race was to observe. If this were denied, the Jews would be much at a loss to prove it. Moreover, his ideas are very imperfect and embarrassed." But as it was Selden's professed object to exhibit Jewish law as laid down by the Jewish writers themselves, he was in some measure constrained to follow their method, though perhaps founded in fiction, and partaking of the barbarism of a people unused to philosophical arrangement; and it cannot be denied that he has made his work a valuable repertory of all that history or tradition informs us concerning the Hebrew institutions before and after the Mosaic dispensation. In that view it has been much commended by learned men, both at home and abroad,

abroad, and it made a large addition to the reputation the author already possessed for indefatigable industry and profound erudition. An abridgment of it was published by John-Francis Buddeus, professor at Halle, in 1695.

It may be not uninteresting to annex an opinion of this work and its author, incidentally given by Milton. In his treatise entitled "Areopagitica," addressed to the parliament, he has the following sentence: "Bad meals will scarce breed good nourishment in the healthiest concoction: but herein the difference is of bad books, that they to a discreet and judicious reader serve in many respects to discover, to confute, to forewarn, to illustrate. Whereof what better witness can ye expect I should produce than one of your own now sitting in parliament, the chief of learned men reputed in this land, Mr. Selden, whose volume of natural and national laws proves, not only by great authorities brought together, but by exquisite reasons, and theorems almost mathematically demonstrative, that all opinions, yea errors, known, read, and collated, are of main service

vice and assistance toward the speedy attainment of what is truest." Milton here alludes to the first chapter of Selden's work, in which he has thought it necessary (such was the spirit of the time) to accumulate a mass of authority in justification of publishing to the world a variety of different and contradictory opinions. The same great writer has likewise mentioned this work of Selden's with high eulogy in his tract on "The Doctrine and Discipline of Divorce," chap. 22.

To return to the political occurrences in which Selden was concerned. His name appears among those members of the House of Commons who, in May 1641, signed a protestation that they would maintain the protestant religion according to the doctrine of the church of England, and would defend the person and authority of the king, the privileges of parliament, and the rights of the subject. As almost the whole House appears to have concurred in the signature, its object was probably no other than to obviate any charge of unconstitutional intentions.

The prosecution of Archbishop Laud, who had already been committed to custody, was now

now entered upon by the commons; and Selden was nominated, in June, among those who were appointed to draw up articles of impeachment against him. Whatever were his private feelings towards this prelate, he probably could not decline an office imposed upon him by the House of which he was a member. Of his particular conduct in it we possess no information. (13)

In the following month, in consequence of a report made to the House by a committee of enquiry, a resolution passed declaring the proceedings in the case of Hollis, Selden, and others, by searching and sealing up their chambers, seizing their papers, and issuing warrants against them, to have been a breach of the privileges of parliament; and that justice had been delayed by not accepting the bail offered by them in Easter and Trinity terms. Censures were also passed upon the judges concerned in those proceedings.

When that most rash and violent act of the king, in coming personally with an armed force to the House of Commons in order to apprehend five members accused of treason, had thrown the parliament into a ferment,

Selden

Selden was nominated one in a committee of twenty-one, on January 17, 164½, to examine into the violation of the privileges of parliament, and frame a petition to the king on the subject. He was at this time, however, considered as so well affected to his Majesty's person, that after the king had withdrawn to York, a serious design was entertained of appointing him keeper of the great seal in the stead of Edward Littleton, whose conduct had offended the court. A letter of Selden's to the Marquis of Hertford has been made public from the Harding papers, in which he mentions having received the king's commands for waiting upon him at York, but excuses himself on account of illness and infirmity, and also, of his apprehension that, instead of serving his Majesty, such a step might be the cause of some further difference between him and the House of Commons. Although in this letter the purpose of his summons to York is not specified, yet it appears from Lord Clarendon's History, that the design of offering him the vacant post had really been agitated in the royal council. His lordship says, "The Lord Falk-

land and himself, to whom his Majesty referred the consideration of a proper person for it [the custody of the seals], did not doubt of Mr. Selden's affection to the king; but withal, they knew him so well, that they concluded he would absolutely refuse the place if it were offered to him. He was in years, and of a tender constitution; he had for many years enjoyed his ease, which he loved; he was rich, and would not have made a journey to York, or have lain out of his bed, for any preferment, which he had never affected."

It might surely be added, that if principle can be inferred from actions, it could scarcely be expected that Selden was prepared to quit the parliamentary party, in whose measures he had for the most part concurred, and join the royalists, whom he had opposed. His friend Hyde, who had in fact devoted himself to the king's cause from the time he drew up the answer to the parliament's remonstrance, had consistently joined him at York, and in consequence had incurred the high indignation of the House of Commons; but what pledge had Selden given of attachment

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to the same cause, for which he could be required to take such a step?

Affairs now tending to a manifest rupture between the king and parliament, it became a matter of great consequence which party should first gain possession of the power of the sword. The parliament, unable to procure the king's assent to a bill for consigning the disposal of the militia to the authority of both Houses, had issued an ordinance, in which they named lieutenants for all the counties, and conferred on them the command of the whole military force of the kingdom. To this the king, June 1642, opposed a commission of array for raising men, directed to certain noblemen on whom he could depend. The parliament immediately took this measure into consideration; and Selden, who, doubtless, regarded it as the commencement of instant war, which he, with many good men of both parties, was sincerely desirous of averting, argued with all his force against the legality of such a commission. Lord Clarendon has given an account of his conduct on this important occasion, which appears perfectly fair and accurate. He says,

"Mr. Selden had in the debate upon the commission of array, in the House of Commons declared himself very positively and with much sharpness against it, as a thing expressly without any authority of law, the statute upon which it was grounded being, as he said, repealed; and discoursed very much on the ill consequences which might result from submitting to it. He answered the arguments which had been used to support it; and easily prevailed with the House not to like a proceeding which they knew was intended to do them hurt, and to lessen their authority. But his authority and reputation prevailed much further than the House, and begot a prejudice against it in many well-affected men without doors. When the king was informed of it, he was much troubled, having looked upon Mr. Selden as well disposed to his service: and the Lord Falkland, with his Majesty's leave, writ a friendly letter to Mr. Selden, to know the reason why in such a conjuncture he would oppose the submission to the commission of array, which nobody could deny to have its original from law, and which many learned men still believed

lieved to be very legal, to make way for the establishment of an ordinance which had no manner of pretence to right? He answered this letter very frankly, as a man who believed himself in the right upon the commission of array, and that the arguments he had used against it could not be answered; summing up those arguments in as few words as they could be comprehended in. But then he did as frankly inveigh against the ordinance for the militia, which, he said, 'was without any shadow of law or pretence of precedent, and most destructive to the government of the kingdom:' and he did acknowledge, 'that he had been the more inclined to make that discourse in the House against the commission, that he might with the more freedom argue against the ordinance: and was most confident that he should likewise overthrow the ordinance, which, he confessed, could be less supported; and he did believe it would be much better if both were rejected, than if either of them should stand and remain uncontrouled.' But his confidence deceived him; and he quickly found that they who suffered themselves to be

be entirely governed by his reason, when those conclusions resulted from it which contributed to their own designs, would not be at all guided by it, or submit to it, when it persuaded that which contradicted and would disappoint those designs. And so, upon the day appointed for the debate of their ordinance, when he applied all his faculties to the convincing them of the illegality and monstrousness of it, by arguments at least as clear and demonstrable as his former had been, they made no impression upon them, but were easily answered by those who with most passion insisted upon their own sense."—*Clarendon Hist.* 1. 517. fol.

This account is sufficiently honourable to Selden's consistency and good intentions; but how is it to be reconciled with Whitelock? who not only does not mention Selden's name among those who opposed the ordinance (though, indeed, he may be included under the unnamed "eminent lawyers" who spoke against it), but, when speaking of the commissions of deputy lieutenancy issued by the parliament, says, "*Maynard, Glyn, Grimston, St. John, Selden*, and divers other gentlemen

tlemen of great parts and interest, accepted of the like commissions, and continued in their service in parliament."—*Memor.* p. 56. I cannot but suspect an error here in inserting the name of Selden; not only because it is scarcely credible that he should so grossly have violated consistency, but because his habits of life and state of health rendered him the most unlikely of men to undertake a military commission; neither had he that local influence from family or landed property which would give propriety to such an appointment*.

Had it been his purpose to ingratiate himself with the party that had now acquired a decided predominancy in parliament, and seemed to possess a majority in the nation, he would have been acting more in character in composing the work which next isued from

* In the Journals of the House of Commons the name of Selden appears, May 23, 1642, in a committee with three others to consider of an order for raising volunteers for an expedition to Ireland; and on June 2d on a committee to frame an ordinance for augmenting the forces by sea; but I find it on no subsequent occasion connected with the military service, except one relative to the Admiralty, hereafter to be mentioned.

his

his store of Oriental learning, and which brought upon him a new storm of that *odium theologicum* by which he was so severely treated on account of his History of Tythes. The question of the superiority, or parity, of the episcopal to the presbyterial order in the christian church had been agitated with considerable acrimony on the continent between the two great scholars, Petau and Saumaise; and other learned writers had joined in the contest. In England, the political and ecclesiastical disputes of the time had occasioned much controversy on the same subject. They who consider Selden as in some degree a time-server, will be ready to conclude, that perceiving the current running strong at this time against episcopacy, he was not unwilling to lend the aid of his learning to the prevailing party; especially as he cannot be supposed entirely to have forgotten the rigours of the prelatical High-Commission court. It may, however, be more candidly attributed to that pure love of truth, which seems to have been fundamental in his literary character, that he chose the present occasion of throwing new light upon a subject certainly

certainly important in ecclesiastical history, and on which he could not formerly have written with due freedom. The present exercise of his erudition arose from the following circumstance.

A celebrated passage in the works of Jerome mentions, that in the church of Alexandria, from its first foundation to nearly the close of the second century, the presbyters always elected a bishop from among themselves by their own authority. Of this fact a remarkable confirmation exists in the account of the antiquities of the Alexandrine church contained in the annals of the patriarch Eutychius, or Said Ibn Batrik, who flourished in the earlier part of the tenth century. Of these annals, in the Arabic language, and then untranslated, Selden procured two manuscripts, from which he published a work, thus entitled: *Eutychii Ægyptii, Patriarchæ Orthodoxorum Alexandrini, Scriptoris, ut in Oriente admodum vetusti et illustris, ita in Occidente tum paucissimis visi, tum perraro auditi, Ecclesiæ suæ Origines. Ex ejusdem Arabico nunc primum Typis edidit ac Versione et Commentario auxit Joannes Seldenus.*

The

The original is a very short piece, of which the important part in this controversy is the relation, that the evangelist Mark, having converted and baptized one Hananias, a shoemaker of Alexandria, and constituted him patriarch of that city, appointed eleven other persons to be presbyters, with the injunction that when the patriarchate should become vacant, they should choose one of their number, and consecrate him patriarch by the imposition of their hands, at the same time electing a person to fill his place in the presbytery; so that there should always be twelve presbyters, the patriarch being reckoned as one;—and that this mode continued in practice to the time of the patriarch Alexander, who directed that thenceforth, on the decease of a patriarch, a new one should be ordained by an assembly of bishops. Selden's production of this piece, and his comments upon it, involved him in hostilities with the zealous advocates for episcopacy, both protestant and catholic. Petau animadverted upon his work with moderation; but Abraham Ecchelensis, a Maronite priest in the pay of Rome, employed so much personal abuse in

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an attempt to refute Selden's notes, that he injured his own reputation more than that of his antagonist. John Morin and Eusebius Renaudot likewise engaged in the same cause; the latter with much expression of contempt for the oriental learning of Selden, who, indeed, is acknowledged to have fallen into some errors in his version and notes. It does not appear that the English episcopalians of the time entered into the controversy; they had to contend with a much more formidable adversary in the parliament. The whole annals of Eutychius were afterwards edited, with a Latin version, by the learned Edward Pococke (*Oxon.* 1656), the expence of the publication being defrayed by Selden.

The political moderation of Selden, and the regard for him testified by the king and his ministers, seem to have rendered him an object of suspicion to some of the popular leaders. When in 1643 the plot was discovered for introducing the royal forces into the capital, and disarming the militia, Waller the poet, a principal conspirator, on his examination before the House of Commons, was interrogated whether Selden, Whitelock, Pierpoint,

Pierpoint, and others by name, were acquainted with the design. Waller replied, "that they were not, but that he did come one evening to Selden's study, where Pierpoint and Whitelock then were with Selden, on purpose to impart it to them all; and speaking of such a thing in general terms, these gentlemen did so inveigh against any such thing, as treachery and baseness, and that which might be the occasion of shedding much blood, that he durst not, for the respect he had for Selden and the rest, communicate any of the particulars to them; but was almost disheartened himself to proceed in it." *Whitelock's Mem.* p. 66. As Waller, in his fright, was singularly open in his confession, and made no scruple of implicating his associates, his exculpation of these persons fully acquitted them of any share in the design. Selden, however, found it advisable, for the removal of all suspicion, to join in an oath drawn up against "the traiterous and horrible plot for the subversion of the parliament and state."

We may here pause for a while to contemplate such men as Selden and Whitelock (14) in

in the privacy of confidential friendship conferring on the awful prospect presented by their country. Not actuated by enthusiasm, religious or political, habituated to venerate established institutions, and to look for redress of grievances from the remedies provided by the law and constitution—though strongly impressed with the wrongs and abuses which had attended the late arbitrary administration—they must have viewed with jealousy the rise of another power, which, wielded by violent men, and equally uncontrouled, might proceed still greater lengths in overthrowing the barriers of right and liberty. They saw the nation rent into two opposite and irreconcileable parties, between which the sword was the sole umpire; and finding daily more cause to despair of the success of healing measures, they must have been occupied in preparing their minds for the part they were by principle called upon to act in the dreadful crisis. Under similar impressions men were to be found in the opposite parties, who probably differed from each other in political sentiments only just so much as to give a final preponderance towards

towards the cause of the king or the parliament. Their mutual object was conciliation; and each were disposed to make some concessions for effecting it. They disagreed on the question "Quis justius induit arma," but concurred in still keeping peace in view as the only desirable termination. If we suppose the virtuous Falkland added to the party conferring in Selden's study, how little diversity of opinions and wishes would he have brought!

On June 12 in this year, a bill passed for the assembling of a synod composed of divines and laymen, at Henry VIIth's chapel in Westminster, for the establishment of church government. Several members of both Houses sat in this assembly, and joined in debate and gave their votes, as well as the divines. "In these debates," says Whitelock, "Mr. Selden spake admirably, and confuted divers of them in their own learning. And sometimes, when they had cited a text of scripture to prove their assertion, he would tell them, 'Perhaps in your little pocket bibles with gilt leaves,' which they would often pull out and read, 'the translation may be thus, but the

the Greek or Hebrew signifies thus and thus:' and so would silence them." As the divines in those days were not remarkable for "bearing their faculties meekly," this air of superiority assumed by a learned layman, who was conscious of enquiry unshackled by the necessity of supporting a particular system, might be pardoned.

With the learned and venerable primate of Ireland, Usher, Selden had cultivated an acquaintance from the year 1609, when Usher, at that time a professor in the college of Dublin, was upon a visit to London, to purchase books for its library. This had ripened into mutual esteem and friendship, fostered by community of studies. The primate had been nominated a member of the Westminster synod, but had declined attendance; and having afterwards vigorously attacked its authority and decrees in a sermon at Oxford, he was treated as a criminal, and a resolution passed for confiscating his valuable library at Chelsea. It was on the eve of public sale, when Selden obtained permission for Dr. Featly to redeem it by composition.

On

On November 8, 1643, Selden, by a vote of the House, was appointed keeper of the records in the Tower; an office well suited to his disposition and studies, and which might furnish him with occasions of withdrawing from parliamentary discussions, when he found himself at a loss how to answer the expectations of his friends, and at the same time satisfy his conscience. In the following February he subscribed the Solemn League and Covenant, which was imposed by authority of parliament upon all persons within its jurisdiction.

When, in consequence of the attainder of Archbishop Laud, his endowment of the Arabic lecture at Oxford was seized upon by the parliamentary commissioners, to the injury of Dr. Pococke, the professor, Selden, on being made acquainted with this act of illiberal severity by Greaves, the friend of Pococke, immediately interested himself in the matter, and through his influence with the leading members, procured restitution.

In 1644 he printed his chronological work *De Anno Civil. Veteris Ecclesiæ, seu Reipublicæ Judaicæ, Dissertatio.* This treatise begins with

with a preface, in which the author elaborately shews the importance of such an enquiry to the right understanding of the scriptures, and the necessity of resorting to the true sources for elucidation, namely, the writings of the two sects, of Talmudists, or traditionalists of the Jewish church, and Karaites, or scripturists. The work itself consists of a number of chapters, in which are discussed all the points relative to the Jewish calendar, with its calculations of months, lunar phases, &c. and the diversities between the two sects on these heads; the whole exhibiting the writer's usual profundity of erudition. Various deficiencies and mistakes, however, particularly with respect to the Karaites, have been pointed out by Jo. Gottfred Schuppart, in his treatise on that sect, with some of the writings of which it appears that Selden was unacquainted. A pleasing testimony to the rising reputation and merit of one who afterwards attained to eminence, is found in this work. Speaking of a particular Karaite book, he says, "It was kindly communicated to me by Ralph Cudworth of Cambridge, a young man highly distinguished by variety of

curious learning, and suavity of manners, who has himself appositely introduced from the book some things respecting the lunar phases and the Jewish calendar, in his ingenious and very learned work on the Lord's Supper."

In April 1645, a committee of six lords and twelve commoners being appointed to manage the business of the Admiralty, Selden was nominated among the latter. Before, however, these commissioners could act, the plan was altered, and three selected from the whole number were invested with the power.

Always an enemy to the usurpations of ecclesiastical authority, when the points of excommunication and suspension from the sacrament as part of the discipline in the new establishment of religion, were debated in the House September 3, 1645, Selden gave his opinion on the subject in the following observations: "That for four thousand years there was no sign of any law to suspend persons from religious exercises:—that under the law every sinner was *eo nomine* to come and offer, as he was a sinner; and no priest or other authority had to do with him, unless

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it might be made to appear to them whether another did repent or not, which was hard to be done. Strangers were kept away from the passover, but they were pagans. The question is not now for keeping pagans in times of christianity, but protestants from protestant worship. No divine can shew that there is any such command as this, to suspend from the sacrament. If, after Christ suffered, the Jews had become Christians, the same ground upon which they went, as to their sacrifices, would have been as to the sacrament. No man is kept from the sacrament *eo nomine* because he is guilty of any sin, by the constitution of the reformed churches, or because he hath not made satisfaction. Every man is a sinner; the difference is only that one is a sinner in private, the other in public: the one is as much against God as the other. *Dic ecclesiæ* in St. Matthew meant the courts of law which then sat in Jerusalem. No man can shew any excommunication till the popes Victor and Zephyrinus, 200 years after Christ, first began to use it in private quarrels: whence excommunication is but human invention:

it was taken from the heathen:"—*Whitelock's Memoir.* From the bald language in which this argument is stated, it is plain that the heads only of Selden's discourse are given by the memorialist; but according to their tenor it appears that he could not more explicitly have declared himself against that spirit of ecclesiastical domination which began to characterize the new church-rulers, and which provoked Milton to exclaim,

"New *presbyter* is but old *priest* writ large.

The determination of the parliament in this case corresponded with Selden's opinion. In fact, the power of an establishment to inflict ecclesiastical censures requires restriction much more than that of a sect; since, from the connection between religious and civil polity, penalties from the latter have always been called in aid of the censures of the former.

In this year, upon a debate in the House of Commons on a case of wardship, the origin of wardships, their misapplication, and the existing oppressions undergone by the families of noblemen and gentlemen through their means, were enlarged upon by Selden, Maynard,

Maynard, St. John, Whitelock, and other lawyers; in consequence of which a vote passed the House for the abolition of the Court of Wards and its appendages, in which the lords concurred.

In August 1645, upon the death of Dr. Eden, master of Trinity-hall in Cambridge, Selden was unanimously chosen to succeed him. This election appears to have been by the direction, or at least with the approbation, of several members of both Houses of Parliament: the members of the hall in their letter to Selden say, "Postquam summis utriusque ordinis viris visum sit electioni nostræ album calculum adjicere." He, however, declined the offered charge, for reasons that are not stated; but it may be readily conceived that his age, his love of literary leisure, his other occupations, and his subsisting connection with the sister university, his *alma mater*, might render him averse to take upon himself such an office. Dr. Wilkins, who seems apprehensive lest his refusal should be construed as a slight upon the clerical body, takes pains to shew that he was a constant friend to the legal rights and properties

properties of the clergy, though an oppugner of their claims by divine right; and enumerates several clergymen with whom he cultivated an intimacy: but it is rightly observed in the "Biographia Britannica" that there could be no suspicion of such a slight in the present instance, since Trinity-hall is a foundation, not for theology, but for the study of civil and canon law, and entirely consisting of fellows of those faculties. Dr. Eden, the late master, was an eminent civilian, and a member of the Long Parliament.

But though he declined forming this intimate connection with the university of Cambridge, he was ready to do it those services which might be expected from a distinguished votary and patron of letters. Archbishop Bancroft had bequeathed his books to his successors at Lambeth on condition that they should give bond for their preservation entire, in default of which they were to go to the projected theological college at Chelsea; but if that should not be completed within six years after his decease, they were to become the property of the university of Cambridge. The order of bishops being now abolished

abolished by parliament, and the scheme of the Chelsea College being at an end, Selden suggested to the heads of the university that its right to the books had accrued; and when, in consequence, that body sent a petition on the subject to the Upper House, he pleaded its cause, and obtained two decrees in its favour; one, putting it in possession of Archbishop Bancroft's books, and the other, of those of his successors in the see of Canterbury. After the Restoration, however, they were reclaimed for Lambeth.

In May 1645, an order appears in the Journals of the House of Commons "for Mr. Selden to bring in an ordinance for regulating the Herald's Office, and the Heraldry of the kingdom." This was for the purpose of supplying the place of the suppressed Marshal's Court; and Selden was doubtless applied to on this occasion on account of the knowledge he had displayed in such matters in his *Titles of Honour*.

He had an opportunity, in 1646, of performing another service to his revered friend, Primate Usher, who, having come to London, was required to take the *negative oath*, imposed

posed upon all who had adhered to the king, or had come from any of his garrisons. Usher desired time to consider of it, and being dismissed by the committee which had summoned him, escaped the necessity of a second appearance; for Selden, and others of his friends in the House, by their interest prevented his being further troubled on the subject*.

In the same year he sent to the press his work entitled *Uxor Ebraica; seu de Nuptiis et Divortiis ex Jure Civili, id est, Divino et Talmudico, veterum Ebræorum, Libri tres.* In the writer's former work on the Jewish Natural and International Law, he had treated of every thing relative to matrimonial law among the Hebrews that came under those two heads. In this work he completes the subject by adding all that belongs to what he terms their civil law, that is, the rites, customs, and institutions proper to their nation, and derived either from the Levitical law, or from their ancient manners, and the ordinances of their rulers. "I shall," says he, "consider my task as performed, if I have

* Parr's *Life of Archbishop Usher.*

duly

duly explained the particular causes from which, by this law, marriages were either prohibited, enjoined, or permitted; also, the solemn forms and circumstances of contracting them, the nuptial rites, the mutual duties of the parties, and the rules of divorce." He further enumerates among the particulars of his work, what he calls the stupendous doctrines of the Karaites respecting incest; and incidental notices of many things relating to the modes of contracting and dissolving marriages among Pagans, Mahometans, and Christians, in the East and West, which have either been derived from Jewish customs, or appear to resemble them. From this view of the materials of the *Uxor Ebraica* it will be seen that it ranks with the most curious and interesting of his treatises; and it was accordingly received by the learned with merited applause. An edition of it was printed at Frankfort on the Oder in 1673.

In the year 1647 Selden gave an additional proof of his zeal and industry in illustrating the legal antiquities of his own country, by editing the valuable work entitled *Fleta*, with a learned Latin dissertation prefixed. *Fleta* is a Latin

Latin treatise by an uncertain author, who wrote in the reign of one of the three earliest king Edwards. It is divided into six books; of which the first treats on pleas of the crown; the second gives a full and curious account of all the officers of the king's household, with many other particulars illustrative of the history of those times; the four following relate to the then existing practice of the courts of judicature, the forms of writs, the explanation of law terms, and the like*. Of this work an ancient manuscript copy was preserved in the Cotton library; and it appears from Selden's account, that the booksellers, intending to publish it, employed a transcriber whose want of skill or care rendered the edition, afterwards superintended by himself, less correct than he could have wished. The prefixed dissertation treats first on those early English writers upon law, Bracton and de Thornton; and then proceeds to a historical relation of the use of the imperial and Justinian codes in England. It concludes with an enquiry into the age when Fleta was composed, which he conjectures to have been in the reign of Edward I.

* Nicolson's *Histor. Library.*

During

During this period of violence and change, when, along with the episcopal church, the universities were in great danger of being abolished, or, at least, much curtailed in their revenues and privileges, by that fanatical spirit which actuated many of the persons in power, Selden never ceased to act the part of a peculiar patron to that seminary at which he had received his education, and which had entrusted him with its representation in parliament. There is extant a letter to him from Dr. Gerard Langbaine, provost of Queen's College, Oxford, (15) expressing the warmest gratitude of the university for his interposition in its favour. "We are all," says he, "abundantly satisfied in your unwearied care and passionate endeavours for our preservation. We know and confess

——————si Pergama dextra
Defendi poterant, etiam hac defensa fuissent.

Of this we are confident, that next under God's, it must be imputed to your extraordinary providence that we have stood thus long. By your good acts and prudent manage, our six months have been spun out to two years."

A letter

A letter from the vice-chancellor, Dr. Reynolds, dated in October 1648, requests his good offices to procure the continuance of the salaries of the law professor, and the reader of Lady Margaret's lecture, which arose from some prebends; and another, dated in the following November, and signed by Dr. Reynolds and five others, recommends the ample foundation of Christ-church to his protection. Wood, in his History of the University of Oxford, mentions Selden as one of the visitors to it appointed in 1647; and relates that when Bradshaw proposed in harsh terms an immediate visitation, Selden argued upon the injustice of proceeding before the university had provided itself with council and patronage. Three other letters written in Latin to him in the name of his *Alma Mater*, and imploring his often experienced aid in her oppressed and disconsolate state, are preserved by Dr. Wilkins. Two Latin letters from the university of Cambridge to Selden are also given by the same biographer, thanking him for his services, and especially for the addition to their public library from the Lambeth books procured by his means.

In

In 1645 a vote passed the House of Commons, awarding to Selden and several others who had been his political associates in the reign of arbitrary power, or to their representatives, the sum of five thousand pounds each, "for their sufferings for opposing the illegalities of that time"—a liberal recompence! which Selden, in a pecuniary view, certainly did not want. A second order for paying these sums appears in the votes some months afterwards, and we are left to conclude that the payment was made. Wood, however, mentioning the transaction, with regard to Selden, relates, that "Some say he refused the £5000, and could not out of conscience take it; and add, that his mind was as great as his learning, full of generosity, and harbouring nothing that seemed base."

About this time, he encouraged Patrick Young, formerly the king's librarian, to undertake printing a very ancient manuscript of the Septuagint version of the Old Testament in the royal library; but the premature death of that learned man prevented his bringing the design to effect, which afterwards was taken up by Dr. Grabe.

In

In civil contests it has been usually found that persons of the legal profession, when acting conscientiously, have governed themselves by ideas of established law and precedent; and while they have withstood all encroachments upon the constitutional rights and privileges of the subject, they have been unwilling, on the other hand, to proceed further in resistance than the assertion of those rights, or to concur in such alterations in forms of administration, or the distribution of the public authority, as amount to a revolution. We have seen Selden strenuously opposing the arbitrary measures of government pursued in the latter part of James's reign, and the earlier years of that of Charles I.; but his love of peace and attachment to law led him to question the legality of the assumption of arms both by the king and the parliament; and though he adhered to the latter party, probably as conceiving it the more constitutional of the two, he seems to have retained a personal attachment to the king, and to have indulged the hope of again witnessing him upon the throne of a duly limited monarchy. When, therefore, things tended

tended to so violent an extreme as the capital condemnation of the supreme magistrate; with the elevation of a daring usurper supported by a military despotism, he withdrew as much as possible from the public councils, and shutting himself up in his closet, silently pursued those studies which had already occupied all the leisure hours of his life. Still solicitous for the interests of learning, when, in July 1649, a vote passed for the perservation of the books and medals in the palace of St. James, and the care of them was offered to Whitelock, who was unwilling to undertake it, Selden urged his friend so much with the danger of their being dispersed or pillaged, that he was at length persuaded to accept the office.

As a proof of his disinclination to implicate himself in the party controversies of the time, or enlist himself in the service of the new rulers, it is asserted, that although Cromwell more than once instigated him in person and by his friends to write an answer to the "*Eikon Basilike*," ascribed to the deceased king, and greatly cried up by the cavaliers (but now certainly known to have been

been composed by Dr. Gauden), he absolutely declined the task, which was taken up by Milton, whose decidedly republican principles rendered him not averse to it.

In 1650 Selden sent to the press the first book of a work which he he had written above twelve years before, but had kept by him to correct and enlarge. This was his ample treatise *De Synedriis et Præfecturis Juridicis Veterum Ebræorum;* of which the scope was to deliver every thing recorded with relation to the sanhedrim or juridical courts of the Jews, both before and after the promulgation of the Mosaic law; together with such collateral notices of similar institutions in modern times and countries as he had interspersed in his other works of which the polity of the Jews is the primary subject. Of this first part he has devoted a large share to excommunication, or the penal interdiction by ecclesiastical authority of participation in sacred rites; a power to the assumption of which he had already appeared a decided adversary. His preface to the work almost entirely relates to this subject, which at that time was a peculiarly interesting one,

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as appears from the following remarkable passage. Speaking of the divine right of excommunication claimed by different churches, he says, "This claim has not a few assertors, as well Romanists, as Non-romanist episcopalians, and Presbyterians, which latter insist upon it much more positively, and carry it much farther in their own favour; for after having, in their manner, inveighed against this power in papal and episcopal hands, they have as it were cut it into shreds and portioned it out among themselves, with a vast accession from that authority which they so confidently attribute to their own order." This sentence plainly proves, both what an intolerable yoke the presbyterian discipline had become in the estimation of men of a free spirit, and also that there existed, in the independent party, and the authority of Cromwell, such a check upon the power of the presbyterians, that their doctrines might without hazard be controverted, and their principles exposed, at least by such a man as Selden. This first book brings his subject down from the creation to the giving of the law at Mount Sinai, and was in all pro-

bability published separately, as a vehicle for the author's opinions concerning the right of excommunication, which constitutes so large a portion of the matter. It was followed three years afterwards by a second book, comprising the judicial history of the Jews to the destruction of the temple. A third, which was not printed till after his death, proposed to treat particularly on the Great Sanhedrim; but the subject was left incomplete. The whole composes one of the six folio volumes of his works; and in none of his writings has he displayed more of his multifarious and recondite erudition. It, however, incurred a good deal of criticism; in particular, his tenets concerning ecclesiastical censures were controverted by various foreign theologians. The author's learned countryman, Sir John Marsham, also expresses a doubt whether the patriarchs exercised any proper civil jurisdiction, and gives it as his opinion, that the whole Hebrew polity was posterior to the departure of the Israelites from Egypt*.

In 1652 a collection of Ten Writers of Eng-

* *Canon Chronic.*

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lish History posterior to Bede was published, to which Selden prefixed some account of them, entitled *Judicium de Decem Historiæ Anglicanæ Scriptoribus.* In the commencement of this tract, he informs the reader that he was not the editor of the collection, and had no other concern in it than occasionally looking over the proof sheets, and communicating some collations of manuscripts from the library of Sir Thomas Cotton, son of Sir Robert; but that, at the request of the bookseller, he was induced to prefix the subsequent dissertation on the authors and their times. The piece begins with Simeon of Durham, whose history of that church he endeavours to prove to have been really composed by Turgot, prior of the monastery of Durham, and bishop of St. Andrew's in Scotland. Under this head he takes occasion to give some account of the Keledei, or Culdees, of Scotland, who long afforded an example of presbyterial ordination, without the intervention of a bishop. It is to be remarked, that in the preface to Dr. Wilkins's edition of Selden's works, a disquisition is inserted by Thomas Rudd, keeper of the

Durham library, in which he vindicates the claim of Simeon to the composition of this history. The other writers in the collection, noticed by Selden, are priors John and Richard of Hexham; Serlo, a monk of Fountain's abbey; Ealred, abbot of Rivaux; Ralph de Diceto, dean of St. Paul's, London; John Brompton, abbot of Joreval; Gervase, a monk of Canterbury; Thomas Stubbes; William Thorne, a monk of Canterbury; Henry Knighton, a canon of Leicester.

The latest of Selden's writings was his defence of himself respecting the composition of the Mare Clausum. The title at length of the work is *Vindiciæ secundum integritatem existimationis suæ per convitium de scriptione Maris Clausi petulantissimum mendacissimumque insolentius læsæ, in Vindiciis Maris Liberi adversus Petrum Baptistum Burgum, Ligustici maritimi dominii assertorem, Hagæ-Comitum jam nunc emissis.* It is dated from his house in White-friars, May 1, 1653, and dedicated to John Vaughan, Esq. (16) of Trescoed. Its motto indicates the keen feelings from which it sprung: "Contumeliam nec fortis potest, nec ingenuus pati." Reference has already been

been made to this work, written against Theodore Graswinckel, an eminent Dutch jurist, who, in his refutation of the book of Burgus on the dominion of the Genoese sea, had mentioned Selden and his motives for composing the Mare Clausum in terms highly offensive to our illustrious countryman. The reply in question is valuable, as containing much biographical matter, especially relative to his different imprisonments, of which free use has been made in these memoirs.

In the year 1654 the constitution of Selden began to give way, and the infirmities of age to gain ground upon him. His intense studies are, of course, assigned by his biographer as the cause of a decay which may be reckoned as somewhat premature, since he had not reached the age of seventy; but the annals of literature present so many instances of the longevity of persons devoted to study, that a learned life, when attended with temperance, and a due share of external comforts, can scarcely be admitted among the general causes that abridge the natural term of human existence. Sensible that his end was approaching, he sent for his friends, primate Usher

Usher and Dr. Langbaine, with whom he discoursed concerning his state of mind. He observed "that he had his study full of books and papers of most subjects in the world; yet at that time he could not recollect any passage wherein he could rest his soul, save out of the holy scriptures; wherein the most remarkable passage that lay most upon his spirit was Titus ii. 11, 12, 13, 14." The import of these verses is the assurance of salvation, through the redemption of Christ, to all who live virtuously—a truth which he therefore regarded as the essence of the christian revelation*.

In the November following he sent a note to his intimate friend Whitelock, then keeper of the great seal, requesting his presence for a short time. Whitelock "went to him, and was advised with about settling his estate, and altering his will, and to be one of his executors; but his weakness so increased, that

* For this anecdote the authority given by Dr. Wilkins is a book entitled "Historical Applications and occasional Meditations upon several Subjects, written by a Person of Honour"—repeated in "Woodward's Fair Warnings to a Careless World."

his

his intentions were prevented*." He expired on the last day of November, 1654, sixteen days short of the completion of his seventieth year. On December 14 following, his remains were interred at the Temple church, with a numerous attendance of men of rank, members of parliament, fellow-benchers, and other friends; the late primate of Ireland, Usher, at the particular desire of his executors, preaching his funeral sermon, in which he pronounced a high and merited eulogy on the deceased. A mural monument to his memory, with a simple inscription, was placed in the round part of the church. He himself left in manuscript a Latin epitaph for his tomb, some part of which is interesting as recording his own sentiments on his life and pursuits. It may be thus translated:—After mentioning his admission to the society of the Inner Temple, he proceeds: "He applied himself to the studies of the place neither remissly nor unsuccessfully; but indulging his natural disposition, and little fitted for the bustle of courts, he betook himself to other

* Whitelock's *Memor.*

studies,

studies, as an enquirer. He was happy in friendships with some of the best, most learned, and even most illustrious of each order; but not without the heavy enmity of some intemperate adversaries of truth and genuine liberty, under which he severely but manfully suffered. He served as a burgess in several parliaments, both in those which had a king, and which had none." This simple mode of indicating the political change which he had witnessed is remarkable, and characteristic.

Selden lived and died in celibacy, unless it were true, as has been conjectured, that he was privately married to Elizabeth countess-dowager of Kent*. His visits at Wrest, the seat

* Concerning this lady, a curious anecdote is given in Selden's "Table Talk," as an exemplification of the laxity of contracts, which each party interprets so as not to be bound by them longer than they chuse.—"Lady Kent articled with Sir Edward Herbert that he should come to her when she sent for him, and stay with her as long as she would have him, to which he set his hand; then he articled with her, that he should go away when he pleased, and stay as long as he pleased, to which she set her hand."

When I read this passage, I was at a loss to conceive what was the nature of the connection between her ladyship and Sir Edward. But a legal friend suggested to me, that the

seat of Henry (Grey) earl of Kent, have been more than once noticed. His intimacy in that family was such, that some have called him steward to that nobleman; but, considering his other occupations, it is probable that his services were limited to some legal advice and assistance in managing his affairs. After the earl's death in 1639, without issue, he appears to have been domesticated with the widow both in town and country, taking the management of her concerns, and, as Wood says, living with her in a conjugal way: but what he meant by this expression I do not undertake to conjecture. At her decease she appointed him her executor; and he possessed the Friary-house in White-friars in consequence of her bequest, to which also is

the latter, who was an eminent lawyer, was probably retained for his advice by Lady Kent at an annual salary; and he produced to me examples of deeds granted for payments on the same account, one of them so late as the year 1715. Hence it would appear that the lady had a great deal of law business on her hands, which would render the domestic counsel of such a person as Selden very valuable to her.

Lady Kent was one of the three daughters and coheiresses of Gilbert Talbot, earl of Shrewsbury.

attributed

attributed the greatest part of the property he had acquired, and which appears to have been considerable.

In his will he nominated for his executors Edward Heyward, John Vaughan, Matthew Hale, (17) and Rowland Jewks, Esqs. and constituted them his residuary legatees after payment of his legacies to his relations and others, which were pretty numerous. Among his effects are enumerated various rich movables as bequests to persons of rank, particularly some plate and a diamond hatband which had belonged to the earls of Kent, and which he bequeathed back as an heir-loom to Mr. Grey Longeville, nephew of the last Henry earl of Kent. The disposal of his library and museum, the most important treasure of a man of letters, will chiefly interest the literary reader, and shall therefore be related more minutely. It had been his original intention to leave them to the university of Oxford; but the requisition of a large deposit of money as a pledge, according to the academical statutes, for the safe return of a manuscript in the Bodleian library which he was desirous of perusing, gave him so much

offence

offence, (surely without reason), that he expunged the bequest, and left the whole, with the exception of some Arabic works on medicine given to the College of Physicians, to his executors. He desired them in his will "rather to part the books among themselves, or otherwise dispose of them, or the choisest of them, for some public use, than put them to any common sale;" and suggested "some convenient library public, or of some college in one of the universities." It was therefore manifestly his wish that they should be presented to one or more public bodies, though he had not brought himself to a determination which to prefer. His executors, honourably interpreting his general intention in this manner, and regarding themselves as "the executors, not of his anger, but of his will," resolved to dispose of the library, according to its original destination, to Oxford, only setting apart some books as the foundation of a legal library in the Temple. And as the benchers of the Inner Temple delayed to provide a suitable receptacle for them, and in the meantime they were diminishing by surreptitious practices, they at length sent off the

the whole collection, amounting to more than 8000 volumes, to Oxford, where a separate apartment was allotted to them in the Bodleian library, over which was inscribed *Auctarium Bibliothecæ Bodleianæ e Musèo Joannis Seldeni, Jurisconsulti.* The executors also made a present to the university of the ancient marbles which Selden had collected, and had intended for the same destination; and an inscription in front of the divinity school testified the gratitude of the academical body for all these literary donations.

Of the moral character and conduct of this eminent person sufficient vestiges have appeared in the course of the preceding narrative to direct the opinion of the attentive reader; and from considerable experience in biography, I am convinced that a more unprejudiced judgment is formed from the silent impression made by the series of actions and events in a person's life, than from those studied portraitures in which it is usual for a biographer to concentrate his own views of all that has passed in survey before him, and which are often tinged by his own purposes or partialities. I shall therefore attempt nothing

nothing of this kind, but restrict what I have to add to a few particulars not yet touched upon, and some matters of opinion derived from a posthumous publication.

It has too frequently happened that men of letters in opulent circumstances have been unable to open their hearts to the relief of their indigent brethren. This, however, does not appear to have been Selden's case. Various instances incidentally occur of his bounty to scholars in distress; one particularly, which deserves mentioning, is given in a letter from Meric Casaubon to Primate Usher, dated London, October, 1650. It begins, "I was with Mr. Selden after I had been with your Grace; whom, upon some intimation of my present condition and necessities, I found so noble, as that he did not only presently furnish me with a considerable sum, but was so free and forward in his expressions, as that I could not find in my heart to tell him much of my purpose of selling, lest it might sound as a further pressing upon him, of whom I had already received so much*.

* Collection of Letters in Parr's *Life of Usher*.

Several

Several facts in the preceding narrative prove that Selden was by no means backward in offices of friendship upon important occasions, and a testimony will hereafter be given from one who knew him intimately, of his habitual courtesy and affability; yet it could not be expected that a man so much immersed in serious studies should always be ready to lend his time to the ordinary calls of social intercourse. We are told by Colomiés, that when Isaac Vossius sometimes was ascending his staircase to pay him a visit, when he was engaged in some deep research, Selden would call out to him from the top that he was not at leisure for conversation. Similar instances of impatience of interruption are recorded of various great scholars, who certainly have a better excuse for their apparent unsociableness, than many who make a practice of denying themselves when their retired hours are devoted to mere indolence or frivolous occupations.

That the persecutions he had undergone, and the weighty concerns in which he was engaged, joined to a naturally serious disposition, should have formed him to a demeanour

meanour which Dr. Wilkins describes as a certain ungracious austerity of countenance and manners, is not extraordinary, and may easily be pardoned. Nor will candour refuse to extend the apology to those who, in a time of much bitter contention, when the most momentous interests both public and private were at stake, and men's minds were exasperated by injustice and oppression, exhibited more of the awful and respectable, than of the gentle and amiable virtues. In a period of civil discord, levity ought to give more offence to a thinking man than severity; and it is a mark rather of an unfeeling than of a kind disposition, to appear easy and cheerful while friends and country are exposed to the most lamentable distresses. Clarendon observes of the excellent Lord Falkland, whom no one surpassed in true philanthropy, that after all hopes of peace had vanished, "he grew into a perfect habit of unchearfulness; and he who had been exactly easy and affable to all men, became on a sudden less communicable, and very sad, pale, and extremely affected with the spleen." It was probably less the influence of a gloomy system

system of religion, in the doctrines of which they were not peculiar, than the long habit of undergoing and resisting contumely and persecution, that impressed the puritans with that character of austerity and repulsive gloom which has been imputed to them as the most unpardonable of crimes.

The religious opinions of one who had so much distinguished himself by his researches into sacred antiquity, and who was so well qualified to examine the original sources, would naturally be a subject of speculation during his life, and may still engage the curiosity of those to whom the unbiassed conclusions of a learned and wise man on such topics are interesting. It has, I believe, seldom happened that laymen who have entered deeply into theological studies, have entirely acquiesced in any of the systems adopted by established churches, and set forth in their articles and professions of faith. The authority assumed by the church of Rome has, indeed, been implicitly submitted to by many learned laymen of that communion; but they who commence their studies under a yoke from which they dare not even think of freeing

freeing themselves, cannot, in any proper sense, be termed *enquirers* into truth, but are merely catechumens learning their task. The protestant theologian, having no other human authority to influence him than the opinions of individuals who have studied the same subjects with himself, will soon, if not shackled by previous subscriptions and declarations, come to weigh opposing judgments in an even scale; and perhaps, through the consciousness of equal or superior advantages of his own, will be disposed to discard all deference to names, whether of doctors or synods, and trust to his own impartial examinations. It would, indeed, be difficult to prove to such men as Grotius, Scaliger, Selden, Milton, Le Clerc, Newton, and Locke, that they were bound to pay obeisance to the names of Luther, Calvin, Zuingle, or Cranmer; to a synod at Heidelberg, Dort, or Westminster.

The motto taken by Selden was περι παντος την ἐλευθεριαν — Liberty concerning all things — which he seems to have understood in its most unlimited sense. This signification may be inferred from the preface to his

History of Tythes, in which we meet with the following sentence: — "For the old scepticks that never would profess that they had found a truth, yet shewed the best way to search for any, when they doubted as well of what those of the dogmatical sects too credulously received for infallible principles, as they did of the newest conclusions. They were indeed questionless too nice, and deceived themselves with the nimbleness of their own sophisms, that permitted no kind of established truth. But plainly, he that avoids their disputing levity, yet, being able, takes to himself their liberty of enquiry, is in the only way that in all kinds of studies leads and lies open even to the sanctuary of truth; while others, that are servile to common opinion and vulgar suppositions, can rarely hope to be admitted nearer than into the base court of her temple, which too speciously often counterfeits her inmost sanctuary." It would not be easy to produce a more truly liberal and explicit passage from the writings of the most avowed advocates for freedom of disquisition. But that this approbation of philosophical scepticism (which the

the learned bishop of Avranches afterwards carried to a greater length) did not in him imply a doubt of the christian revelation, we are assured, not only by the anecdote of his final declaration above-mentioned, but by the respectable testimony of Sir Matthew Hale, who assured Baxter that Selden was "a resolved serious christian, and a great adversary to Hobbes's errors."

How freely he employed the spirit of enquiry in matters relative to church authority, to the usurpations of which he was a decided foe, has appeared in the preceding narrative of his life. With respect to doctrinal points, he seems to have chosen to keep his opinions, whatever they were, to himself; for the times were not such as to admit any latitude in what were accounted fundamentals; and the change of church government which he lived to see, rather restricted than enlarged the bounds of religious toleration. That his antiquarian studies had given him a predilection for whatever, as well in doctrine as in discipline, he found sanctioned by the early ages of christianity, may well be presumed; and a passage has been produced from the Prolegomena to his work "De Successionibus

in Bona Defuncti," which contains a direct censure of the innovating spirit displayed by the sects of which that period was so prolific. It may be thus translated: "And, in truth, the more discreet of those christians that renounced the church of Rome on account of many ordinances and opinions which to them appeared contrary to divine authority, did not choose to form one of their own without a prudent selection from the ancient historians of that church, from annals, fathers, councils, canons, received opinions, judicial determinations, and the like: and they who frowardly reject such a selection, rashly explaining the holy scriptures by the sole efforts of their own understanding, are found occasionally to disturb the peace of christendom by ridiculous and impious innovations." This sentence has been interpreted by Colomiés (a foreign volunteer in the cause of episcopacy) as an almost explicit declaration of his preference of the church of England, which, of all the protestant churches, has paid the greatest deference to antiquity; but when it is considered that the work is dedicated to Archbishop Laud, whose favour Selden was at that time solicitous to gain, perhaps

perhaps no other inference will be deduced as to his real opinion, than that he was persuaded of the propriety of referring to the records of primitive times in constituting a christian church, and held in learned contempt the summary decisions of illiterate scripturists.

If the collection of Selden's Apophthegms or Sayings, entitled *Table-Talk*, be regarded as of good authority, we shall probably find in it a more genuine and undisguised expression of his sentiments on many topics, than in his studied publications; for though men generally reason most correctly upon paper, they usually display their feelings and convictions with most truth *viva voce* in unpremeditated conversation. This collection was published after his death by Richard Milward, his amanuensis, who, in his dedication to Selden's executors, affirms that he enjoyed for twenty years the opportunity of hearing his discourse, and made it his practice from time to time faithfully to commit to writing "the excellent things that usually fell from him." For reasons which it would not be difficult to assign, Dr. Wilkins has thrown discredit upon

upon the authenticity of this compilation, asserting that it contains many things derogatory from Selden's erudition, and alien from his manners and principles. It is, indeed, not unlikely that the memory of the amanuensis occasionally failed him; and it is still more probable that, as in the case of Boswell's Johnsoniana, the recorded sayings are sometimes only notions hazarded in the heat or carelessness of conversation, and such as he would not deliberately maintain—though, indeed, he does not appear to have been of so disputatious a temper as Dr. Johnson. Upon the whole, however, his Table-Talk has a great air of genuineness; and the familiarity of his illustrations and parallels, though it may clash with the idea some would form of so great and grave a scholar, well characterizes the man who had been conversant in the scenes of common life, no less than in the speculations of the closet. That such was his manner of discourse, the editor recals to the recollection of his dedicatees; and the appeal is a presumption of his veracity. I shall not hesitate, therefore, to make some extracts from this miscellany, as affording

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ing a view of his real opinions on certain important topics.

There are no two points more difficult to conciliate than the obligation imposed upon christians in general to search and study the scriptures, and the impossibility that this should be done with effect by one unacquainted with the original languages, and with a variety of collateral knowledge. The Roman-catholics elude the difficulty by denying the obligation, and refusing the scriptures to the unlearned; but the protestants, whose strongest ground of attack upon the errors and abuses of popery was placed in an appeal to the words of scripture, made it a great point of their policy to render the Bible as familiar as possible to the people; at the same time that their learned men were engaged in abstruse controversies concerning its meaning, with the common foe, and with one another. Hence arose a great number of ignorant expounders, who, passing over the plain and practical parts, exercised themselves in the most difficult and controverted, with a confidence of decision proportioned to their insufficiency. A scholar like Selden, who

who held cheap the theological learning even of most of the divines of his time, was likely to regard with contempt and disgust the expository attempts of such vulgar scripturists; and though certainly no papist, we need not be surprised at his breaking out into the following reflection: "*Serutamini scripturas.* These two words have undone the world. Because Christ spake it to his disciples, therefore we must all, men, women, and children, read and interpret the scripture." He further says, "The text serves only to guess by; we must satisfy ourselves fully out of the authors that lived about these times."

There is manifest sarcasm in the following piece of theological advice: "When you meet with several readings of the text, take heed you admit nothing against the tenets of your church; but do as if you were going over a bridge; be sure you hold fast by the rail, and then you may dance here and there as you please. Be sure you keep to what is settled, and then you may flourish upon your various lections."

The events of the times in which Selden lived would make a considerate man jealous of

of the power of wielding so forcible an engine as that of religion; and many passages in this collection display his sentiments on this head. It seems to have been his maxim, that the state ought to keep a tight rein upon the church; and he therefore regarded with manifest suspicion the use made of the pulpit in uncontrouled preaching and praying. He had first witnessed the support given to slavish principles of government by the sermons of the hierarchical party; and he lived to see equal or greater prostitution of the public offices of religion to political purposes, under the ministry of presbyterians and independents. Hence probably arose his manifest preference of a liturgy to extemporary prayer. "We have been a while," says he, "much taken with this praying by the spirit, but in time we may grow weary of it, and wish for our common prayer." With respect to preaching, he makes the following observation: "Nothing is more mistaken than that speech, *Preach the gospel;* for 'tis not to make long harangues, as they do now-a-days, but to tell the news of Christ's coming into the world; and when that is done,

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or where it is known already, the preacher's work is done." He further remarks, "The things between God and man are but few, and those, forsooth, we must be told often of: but things between man and man are many; those I hear not of above twice a year, at the assizes, or once a quarter, at the sessions." The infrequency at that time of plain discourses on the moral duties probably suggested this observation. He however complains that "preachers will bring any thing into their text;" and considers frequent preaching as chiefly practised to give the ministers consequence.

Of his notions of popular preaching, the following sentences are a specimen: "To preach long, loud, and damnation, is the way to be cried up. We love a man who damns us, and we run after him again to save us." This he illustrates by the different degree of attention paid to an honest surgeon who should prescribe some common application to a sore leg, and speak of the complaint as a trifle; and a quack who should frighten the patient with a prediction that it would mortify speedily unless his nostrums were

were applied. He further observes, "Preaching by the spirit, as they call it, is most esteemed by the common people, because they cannot abide art or learning, which they have not been bred up in."—"The tone in preaching does much in working upon people's affections. If a man should make love in an ordinary tone, his mistress would not regard him, and therefore he must whine. If a man should cry fire or murder in an ordinary voice, nobody would come out to help him." It must be acknowledged that Selden lived in a time when there were abundant opportunities of making observations of this kind; nor are we at present scantily provided with similar occasions.

His sentiments on the practice of making religion a pretext for war are thus expressed: "The very arcanum of pretending religion in all wars is, that something may be found out in which all men have an interest. In this, the groom has as much interest as the lord. Were it for land, one has a thousand acres, the other but one—he would not venture so far as he that has a thousand; but religion is equal to both."

Nothing

Nothing can be less conformable to the exalted notions of the dignity of the priesthood, and the prerogatives conferred by ordination, inculcated by the high clergy, than the sentiments of Selden on these points. "A priest has no such thing as an indelible character: what difference do you find betwixt him and another man after ordination? Only he is made a priest, as I said, by designation; as a lawyer is called to the bar, then made a serjeant. All men that would get power over others make themselves as unlike them as they can: upon the same ground the priests made themselves unlike the laity."

As in his printed works, so in his Table-Talk, there are many indications of his preference of the episcopal form of church government, provided it were regarded as a matter of expedience, and of state appointment, and not by divine right. Though explicitly maintaining the opinion "that bishops and presbyters in the beginning were alike," and that "a bishop is a great presbyter," only superior to the rest, as "the president of the College of Physicians is above the other doctors, though still no more

more than a doctor of physick;" yet he thinks that such a superiority is useful, and that bishops in the church suit the genius of monarchy, as nobility do in the state. "If," says he, "there be no bishops, there must be something else which has the power of bishops, though in many; and then had you not as good keep them?"

Of presbyterial government he often expresses his dislike, doubtless from his experience of its meddling and intrusive spirit. "Presbyters," says he, "have the greatest power of any clergy in the world, and gull the laity most. For example, admit there be twelve laymen to six presbyters, the six shall govern the rest as they please." For this fact he gives his reasons, and then illustrates it by the following ingenious simile: "The presbyter with his elders about him is like a young tree fenced about with three or four stakes: the stakes defend it and hold it up; but the tree only prospers and flourishes." It is to be remarked that his strenuous opposition to the power of excommunication was cotemporary with the introduction of presbytery,

presbytery, which made very liberal use of this ecclesiastical penalty.

From what he says concerning heresy, it may be concluded that he was by no means narrow or rigid in doctrinal opinions. "'Tis a vain thing to talk of an heretick, for a man for his heart can think no otherwise than he does think. In the primitive times there were many opinions, nothing scarce but some or other held. One of these opinions being embraced by some prince, and received into his kingdom, the rest were condemned as heresies; and his religion, which was but one of the several opinions, first is said to be orthodox, and so to have continued ever since the apostles." Speaking of christianity, he says, "In the high church of Jerusalem, the christians were but another sect of Jews that did believe the Messias was come." His indifference with respect to the several forms of religion is expressed in the following simile: "Religion is like the fashion: one man wears his doublet slashed, another plain, but every man has a doublet. So every man has his religion: we differ about trimming." With such

such a notion of religious differences, and the experience of violent contentions about what he would consider as trifles, it was natural that he should be averse to alterations in religion, of the modes of which he held the state to be the best judge. He had also seen so much of hypocritical pretence, that he appears little favourable to pleas of conscience. He says, "Pretending religion and the law of God, is to set all things loose. When a man has no mind to do something he ought to do by his contract with man, then he gets a text, and interprets it as he pleases." Again—"Generally to pretend conscience against law is dangerous; in some cases haply we may." Had he been treating at large on the subject, he would doubtless have laid down some rules for distinguishing these cases, upon which every thing in the practice of toleration depends. They would not, however, have included ordinary scruples, to which he was by no means indulgent. —"He," says he, "that hath a scrupulous conscience, is like a horse that is not well way'd; he starts at every bird that flies out of the hedge:" and—"A knowing man will

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do that which a tender-conscience man dares not do, by reason of his ignorance; he knows there is no hurt in it: as a child is afraid to go in the dark, when a man is not, because he knows there is no danger." As a specimen of the application of this kind of knowledge, the following sentence concerning subscription may be given: "Subscribing in a synod, or to the articles of a synod, is no such terrible thing as they make it; because, if I am of a synod, it is agreed, either tacitly or expressly, that which the major part determines, the rest are involved in; and therefore I subscribe, though my own private opinion be otherwise: and upon the same ground I may without scruple subscribe to what those have determined whom I sent, though my private opinion be otherwise, having respect to that which is the ground of all assemblies—the major part carries it." Certainly such a mode of reasoning would have obviated many difficulties, and greatly abridged the list of confessors and sufferers for imagined truth; but there will always be *tender-conscienced men* to whom it will scarcely appear satisfactory.

If

If from some of the above-quoted passages, to which others might be added, Selden be thought to have favoured a laxity of moral principle, there was a point on which he was firm and unyielding: this was, in the sacredness of a contract, or a legal obligation, which he seems to have regarded as the chief measure of social duty. Thus, putting the question, "If our fathers had lost their liberty, why may not we labour to regain it?"—he replies, "We must look to the contract; if that be rightly made, we must stand to it. If we once grant we may recede from contracts upon any inconveniency that may afterwards happen, we shall have no bargain kept." And on the great point of allegiance to the sovereign, he thus expresses himself: "To know what obedience is due to the prince, you must look into the contract betwixt him and his people; as if you would know what rent is due from the tenant to the landlord, you must look into the lease. When the contract is broken, and there is no third person to judge, then the decision is by arms: and this is the case between the prince and the subject." His notions of the office of king all

turn upon the degree of power delegated. "A king is a thing men have made for their own benefit, for quietness' sake."—"To think all kings alike is the same folly as if a consul of Smyrna or Aleppo should claim to himself the same power that a consul at Rome had."—"Kings are all individual, this or that king: there is no species of kings."—The text, *Render unto Cæsar the things that are Cæsar's*, makes as much against kings as for them; for it says plainly that some things are not Cæsar's. But divines make choice of it, first in flattery, and then because of the other part adjoined to it, *Render unto God the things that are God's*, where they bring in the church."

An observation may here be made concerning the grounds of resistance to the measures of James I. and Charles I. It is well known that one great object of Hume's history was to inculcate the belief, that the nation would not submit to those exertions of the prerogative from the Stuarts, which it had patiently endured from the Tudors and their predecessors on the throne. But as far as Selden can be supposed to speak the sentiments

timents of those with whom he acted, it is plain that they conceived the Stuart kings to have *infringed the contract* between prince and people, that is, to have usurped upon the legal rights and privileges of the subject; and that there was no original design on their own parts to innovate upon the principles of the constitution. The monarchical theory openly maintained by James, and acted upon by him and his son, as far as they were able, was inconsistent with any idea of limitation, and if acquiesced in, would have rendered the English government as absolute as any of those on the continent. The reader may find some valuable and conclusive remarks on this head in Macdiarmid's "Lives of British Statesmen," under the article of Lord Strafford.

That the law at that time afforded little protection against the arbitrary measures of the crown, Selden had himself experienced; and his opinion on the subject is thus declared: "The king's oath is not security enough for our property, for he swears to govern according to law: now the judges interpret the law; and what judges can be made to do, we

know." We find, in fact, that during the suspension of parliaments, the exertions of arbitrary power were absolutely uncontrouled; and it was the necessity of resorting to those assemblies which alone restored security to liberty and property. But as power unchecked will be always abused, that of the parliament came to be equally subversive of legal and constitutional rights; and Selden was very consistently equally adverse to tyranny in its new form. Privilege of parlialiament, still more indefinite than royal prerogative, was now the engine of despotism; and the following sentence expresses his ideas on that much disputed point: "The parliament-men are as great princes as any in the world, when whatsoever they please is privilege of parliament: no man must know the number of their privileges, and whatsoever they dislike is breach of privilege. The duke of Venice is no more than speaker of the House of Commons; but the senate of Venice are not so much as our parliament-men, nor have they so much power over the people, who yet exercise the greatest tyranny that is any where. In plain truth, breach of privilege is only the

the actual taking away of a member of the house: the rest are offences against the house." —Again, in his way of familiar parallel: "The parliament-party, if the law be for them, they call for the law; if it be against them, they will go to a parliamentary way: if law be for them, then for law again. Like him that first called for sack to heat him; then small drink to cool his sack: then sack again to heat his small drink, &c."

His notions concerning raising money on the people may deserve to be quoted. "In all times the princes in England have done something illegal to get money; but then came a parliament, and all was well; the people and the prince kissed and were friends, and so things were quiet for a while. Afterwards there was another trick found out to get money; and after they had got it, another parliament was called to set all right. But now they have so outrun the constable"—— This sentence is not finished. It was probably spoken not long before the troubles of king Charles's reign began. We may congratulate ourselves that we live in a time when these *tricks* are no longer necessary; and

and such, indeed, had Selden lived to see, when he made the following remark:

"Heretofore the parliament was wary what subsidies they gave to the king, because they had no account; but now they care not how much they give of the subject's money, because they give it with one hand, and receive it with the other; and so upon the matter give it themselves."

In all the preceding political opinions, we discern the sound and sober patriot, who opposes the defensive armour of the law and constitution against every attack upon right and justice, from whatever quarter, and is willing to trust to it alone.

The opinions of so learned a man concerning learning cannot but be deserving of attention. He says, "No man is wiser for his learning: it may administer matter to work in, or objects to work upon; but wit and wisdom are born with a man."——"Most men's learning is nothing but history duly taken up. If I quote Thomas Aquinas for some tenet, and believe it because the schoolmen say so, that is but history." Of the general state of learning in his time he gives the following

following representation: "The Jesuits and the lawyers of France, and the Low-Country-men, have engrossed all learning. The rest of the world make nothing but homilies." This attestation to the superior erudition of the classes above enumerated is singularly confirmed by the memoirs of Huet, bishop of Avranches, who was coming into the learned world about the time Selden was leaving it.

It has been already noticed that Selden was not lavish of his historical faith. Additional proofs of this fact, and of his freedom from superstitious notions, appear in the Table-Talk. The oracles of heathenism are known to have staggered many men of learning, who have not been able to discredit the stories of their fulfilment related by so many grave writers, and have therefore resorted to the supposition of diabolical agency; in correspondence with which theory, they have regarded their cessation about the time of Christ's coming as a miraculous event. Selden, however, assigns a very natural cause for it. "Oracles ceased presently after Christ, as soon as nobody believed them: just as we have no fortune-tellers, nor wise men (wizards),

zards); when nobody cares for them. Sometimes you have a season for them, when people believe them; and neither of these, I conceive, wrought by the devil."

On another kindred point he seems to have thought in a similar manner. "Dreams and prophecies," says he, "do thus much good; they make a man go on with boldness and courage upon a danger, or a mistress. If he obtains, he attributes much to them; if he miscarries, he thinks no more of them, or is no more thought of himself."

His opinion of judgments, that commonplace for the weak and presumptuous in all sects and parties, is given in the following sentence: "We cannot tell what is a judgment of God; 'tis presumption to take upon us to know. In time of plague, we know we want health, and therefore we pray to God to give us health; in time of war we know we want peace, and therefore we pray to God to give us peace. Commonly we say a judgment falls upon a man for something in him we cannot abide. An example we have in king James, concerning the death of Henry IV. of France. One said he was killed

killed for his wenching; another said he was killed for turning his religion: 'No,' says king James, who could not abide fighting, 'he was killed for permitting duels in his kingdom." To the general doctrine of particular providences (of which the notion of judgments is a branch) he appears also to have been unfavourable. He says, "We single out particulars, and apply God's providence to them. Thus when two are married, and have undone one another, they cry, 'It was God's providence we should come together;' when God's providence does equally concur to every thing."

His summary opinion concerning the Jews and their law, on which he read and wrote so much, may be interesting to the reader. "God at the first gave laws to all mankind, but afterwards he gave peculiar laws to the Jews, which they only were to observe: just as we have the common law for all England, and yet you have some corporations which, besides that, have peculiar laws and privileges to themselves." Conformably to this idea, he says, "We read the commandments in the church, not that all there concerns

cerns us, but a great deal of them does." And with respect to the sabbatical precept, he denominates "superstition truly and properly so called" the observation of the Sabbath after the Jewish manner by the puritans.

His sentence concerning transubstantiation is shrewd and pithy: "That opinion is only rhetoric turned into logic." He means, that the fathers, speaking in their rhetorical way, converted a figure of speech into a dogma: "As if," says he, "because it is commonly said *Amicus est alter idem*, one should go about to prove that a man and his friend are all one."

What he says of councils is equally acute: "They talk (but blasphemously enough) that the Holy Ghost is president of their general councils; when the truth is, the odd man is still the Holy Ghost."

He strongly expresses his difficulties respecting predestination, the great point of controversy between the Calvinists and Arminians of his time, in the following terms: "Predestination is a point inaccessible, out of our reach: we can make no notion of it, it is so full of intricacy, so full of contradiction: it

it is, in good earnest, as we state it, half a dozen bulls one upon another." This sentence reminds one of Milton's

"Fix'd fate, free will, foreknowledge absolute,
And found no end, in wandering mazes lost."

It is a good remark concerning texts, of which sermons at that time were in a great measure composed, "Nothing is text but what is spoken of in the Bible, and meant there for person and place; the rest is application, which a discreet man may do well; but 'tis *his* scripture, not the Holy Ghost's."

As a rule for pulpit-oratory, he says, "First in your sermons use your logick, and then your rhetorick. Rhetorick without logick is like a tree with leaves and blossoms, but no root."—"Logick must be natural, or it is worth nothing at all: your rhetorick figures may be learned."

The following sentence of Selden's has been often quoted, as displaying political sagacity: "Though some make slight of libels, yet you may see by them how the wind sits: as, take a straw and throw it up into the air, you shall see by that which way the wind is, which you shall not do by casting up a stone.

More

More solid things do not shew the complexion of the times so well as ballads and libels."

These are some of the thoughts and maxims recorded in Selden's Table-Talk, in which there appears a sufficient conformity with his conduct and writings to remove all suspicion that they were not his real sentiments. There are, besides, many of a lighter kind; and some, as has been hinted, more lax and worldly in their morality than might have been expected from a man of his honourable character; but which perhaps were advanced in conversation as plausible deductions from principles only assumed for the sake of argument. That he was in reality regarded with extraordinary veneration and esteem by his cotemporaries of different parties, we have the fullest evidence: indeed, the man who reckoned among his friends and admirers Whitelock and Clarendon, Usher and Hale, must have possessed no ordinary share of moral, as well as intellectual, excellence. Clarendon, who differed from him materially on some important topics, and who is not remarkable for a candid estimation of persons of an opposite party, has yet, in his own

Life,

Life, characterized him in terms which denote an uncommon degree of respect and admiration. It would be an injury to both not to transcribe the passage.

"He was a person whom no character can flatter, or transmit in any expressions equal to his merit and virtue. He was of so stupendous a learning in all kinds and in all languages (as may appear in his excellent and transcendent writings) that a man would have thought he had been entirely conversant amongst books, and had never spent an hour but in reading and writing; yet his humanity, courtesy, and affability were such, that he would have been thought to have been bred in the best courts, but that his goodnature, charity, and delight in doing good, exceeded that breeding. His style in all his writings seems harsh and sometimes obscure; which is not wholly to be imputed to the abstruse subjects of which he commonly treated, out of the paths trod by other men, but to a little undervaluing the beauty of style, and too much propensity to the language of antiquity: but in his conversation he was the most clear discourser, and had the best

best faculty of making hard things easy, and presenting them to the understanding, that hath been known. Mr. Hyde was wont to say that he valued himself upon nothing more than upon having had Mr. Selden's acquaintance from the time he was very young; and held it with great delight as long as they were suffered to continue together in London: and he was much troubled always when he heard him blamed, censured, and reproached, for staying in London, and in the parliament, after they were in rebellion, and in the worst times, which his age obliged him to do; and how wicked soever the actions were which were every day done, he was confident he had not given his consent to them, but would have hindered them if he could with his own safety, to which he was always enough indulgent. If he had some infirmities with other men, they were weighed down with wonderful and prodigious abilities and excellencies in the other scale."

The portraiture contained in this passage is valuable, as affording some traits of character which have scarcely been visible in the narrative of his life. In particular, the attestation

testation to his habitual kindness and readiness to oblige, may serve to counterbalance that imputation of austerity which seems to have attached to his advanced years, under those political changes which he lived to witness. The "regard to his safety" here mentioned apologetically, seems, in fact, to have been the principal weakness of his character, and to have prevented him from ranking among the firm and determined spirits which distinguished this period of English history.

The clearness of his conception, and the singular talent for elucidation which he exhibited in discourse, according to Lord Clarendon, may, in his literary character, be opposed to that harshness and obscurity of style which is freely acknowledged, and has drawn upon him various censures from the critics. Thus the judicious Le Clerc speaks of Selden's style as "frequently a mixture of all that is good and bad in Latinity;" and laments the want of order and perspicuity in his writings, proceeding from his long digressions, and the abundance of incidental matter—results of a very tenacious memory, stored

stored with the fruits of a most extensive reading. Nor are these faults so light as Dr. Wilkins is willing to represent them, where he adverts to Selden's censurers as ill-natured and envious foes to his fame, who, for want of a Ciceronian eloquence, which he never affected, criticise like grammarians " a style every where breathing erudition, and corresponding with the dignity of his subject, and to which an attentive reader may easily accustom himself in an hour's time." This is an idle apology. No one would require Ciceronian eloquence in works of mere disquisition; but he might justly expect a clear and simple diction, which is as much violated by an affected display of erudition, as by the flowers of rhetoric. Nor are the difficulties arising from archaisms, remote allusions, involutions, and parentheses, so soon got over; and very good scholars have complained of the trouble it often cost them to disentangle Selden's sentences. Defects of order and method are a still more serious deduction from good writing; yet I think I perceive in several of the topics on which he has treated, natural difficulties in arrangement,

ment, which could not be entirely obviated. As his purpose was generally rather historical than systematic, he was obliged to follow the order of events, though it broke in upon the proper disposition of subject. Where he was not shackled by this necessity, he has shewn himself well acquainted with the art of methodising. Though his works are probably little read at the present day, either for want of curiosity on such topics, or because the additions he made to the stock of learning have been employed by later writers to more advantage, he must ever be reckoned among the chief literary boasts of this country, which has not greatly abounded in persons of such profound and multifarious erudition.

The merit of Selden was liberally acknowledged by many of the most eminent men of letters in his time. Reference has already been made to the esteem in which he was held by the illustrious Grotius. Saumaise, Bochart, Gerard Vossius, Gronovius, Daniel Heinsius, and many other distinguished names, might be added to the list of his encomiasts. It does not appear that he held a correspondence with many of these, and his

Letters form a very inconsiderable part of his printed works. Among his *Epistolæ Variæ* are found letters, some in Latin, some in English, to the following persons: Ben Jonson, Pieresc, Edward Herbert, Primate Usher, Gerard Vossius, Christ. Ravius, Marc. Meibomius, Langbaine, and Whitelock; but the whole number is small, and the contents are of no great importance. Those to Pieresc and Usher are the most literary. That to Whitelock, written in 1653, when the latter was ambassador from the English commonwealth to Christina queen of Sweden, relates to a compliment transmitted to him from that celebrated female, by which he seems to have been much gratified.

There are no traces in the testament of Selden of any papers in his possession designed by him for posthumous publication. It is asserted in the Biographia Britannica that he ordered all the papers and notes that were in his own hand-writing to be burnt, except those relating to Eutychius's Annals, then printing at his expence; but no such direction appears in his will.

His works were published collectively in 1726,

1726, in 3 vols. folio bound in six, by David Wilkins, S. T. P. archdeacon of Suffolk, canon of Canterbury, and chaplain to the Archbishop of Canterbury, with a Life of the Author, in Latin, Prefaces and Indexes. The Latin works precede, occupying two of the volumes; the English constitute the third. They are not printed in chronological order, but that arrangement is observed in the following catalogue.

Analecta Anglo-Britannica, published in	1607
England's Epinomis	1610
Jani Anglorum Facies altera . . .	1610
The Duello, or Single Combat . .	1610
Notes to the Polyolbion	
Titles of Honour	1614
An edition, with Notes, of Sir John Fortescue de Laudibus Legum Angliæ; and Sir Ralph de Hengham's Summæ	1616
Discourse touching the Office of Lord Chancellor	1616
Of the Jews some time living in England (annexed to Purchas's Pilgrimage)	1617

History of Tythes, and Review of the same 1618
Answer to Sir James Sempil's Review 1619
Reply to Dr. Tillesly's Animadversions 1619
Tracts written by order of king James, viz.
Of the Number 666 in the Revelations 1619
Of Calvin's Judgment on the Book of Revelations . . . . . *ib.*
Of the Birth-day of our Saviour . *ib.*
The Privileges of the Baronage of England, published 1642, written 1621
Of the Judicature in Parliament, published 1681, written 1621
Notæ in Eadmeri Historiæ Novorum 1623
Of the Original of Ecclesiastical Jurisdiction of Testaments
Of the Disposition or Administration of Intestates' Goods } written about 1628
Marmora Arundelliana 1629
De Successionibus in Bona Defuncti ad Leges Ebræorum 1631

De

De Successione in Pontificatum Ebræorum 1636
Mare Clausum 1636
De Jure Naturali et Gentium juxta Disciplinam Ebræorum 1640
Eutychii Ecclesiæ suæ Origines . . 1642
De Anno Civili Veteris Ecclesiæ . . 1644
Uxor Ebraica 1646
Dissertatio ad Fletam 1647
De Synedriis et Præfecturis Juridicis Veterum Ebræorum Lib. I. . . 1650
——————— Lib. II. . . 1653
——————— Lib. III. posthumous
Judicium de Decem Scriptoribus Anglicanis 1652
Vindiciæ de Scriptione Maris Clausi 1653

THE LIFE

OF

ARCHBISHOP USHER.

JAMES USHER, Archbishop of Armagh, and Primate of Ireland, was born at Dublin on January 4, 1580-1. His father, Arnold Usher, descended

* The principal authority for the facts in the following narrative is the Life of Usher composed by RICHARD PARR, D. D. the primate's chaplain at the time of his death. This person was the son of the Rev. Richard Parr of Devonshire, who settled as a minister at Fermoy in Ireland, in king James's reign. Richard, born in 1617, was sent to England for education, and entered of Exeter college, Oxford. He was chaplain-fellow of his college when Usher, in 1643, making Oxford his residence in the civil war, was so favourably impressed by Parr's conduct and character, that he engaged him as his chaplain. He accompanied the primate into Wales, and afterwards to London; and was presented to the vicarage of Ryegate, and subsequently, to that of Camberwell. He continued, however, to be Usher's chaplain till the death of that prelate, by whom he was entrusted with the care of all his papers. After the Restoration,

descended from an English family of the name of Neville, long settled in Ireland, was one of the six clerks of the Irish chancery. His mother

tion, he refused the offer of being settled as a dignitary in Ireland; but accepted a canonry of Armagh. He continued to reside at Camberwell till his death in 1691, much esteemed by his parishioners both as a preacher and a minister.

Dr. Parr published his Life of Primate Usher in 1686. It is a plain narrative, written with a spirit of moderation, and, though displaying little sagacity or enlargement of mind in judging of persons and events, containing an useful selection of matter elucidatory of the primate's character both as a prelate and a man of letters. It bears all the marks of veracity. To the life is appended a large collection of letters, which passed between Usher and a variety of correspondents. These, though in general not very interesting, afford many particulars which throw light upon the literary history of the times.

Considerable use has also been made of the Life of Usher by THOMAS SMITH, D.D. which is the first and principal article of his work entitled *Vitæ quorundam eruditissimorum et illustrium Virorum*, 1707, 4to. This writer, who was a man of a superior order in literature to the former, was born at London in 1657, and educated at Oxford. He became a fellow of Magdalen college, whither he returned after having lived some years with Sir Joseph Williamson, secretary of state, as his chaplain. He was resident in Magdalen college at the time of James the Second's arbitrary attempt to force

ther was Margaret, daughter of James Stanihurst, a master in chancery, recorder of Dublin, and speaker of the Irish House of Commons in three parliaments.

James, from his childhood, displayed an aptitude for instruction; and it is a singular circumstance, that he was taught to read by two maternal aunts who were blind from in-

force upon it a popish president; and though he was one of the two fellows who alone submitted to the authority of the royal visitors, he was at length expelled for refusing to consort with the new catholic fellows. Being restored to his place, he again incurred expulsion for declining to take the oaths to king William and queen Mary; and thenceforth chiefly resided in the family of Sir John Cotton, grandson of Sir Robert, engaged in composing various learned works, chiefly of the antiquarian, critical, and biographical class. He died at London in 1710. Dr. Smith was a man of deep and various erudition; but certainly does not merit the praise of moderation or liberality. In his biographical compositions, whenever he is led to the mention of persons, sects, or doctrines, religious or political, adverse to his own opinions, which were those of the church of England in its most dogmatical and restricted form, he lavishes upon them all the vituperative and contemptuous expressions that his turgid and involved Latin style could furnish. In his Life of Usher he closely follows Parr as to the facts; but his accounts of the primate's writings are apparently the result of his own examination.

fancy.

fancy. He had the good fortune to receive his education under two able scholars, who had come from Scotland to supply the want of proper masters under which Ireland at that time laboured. These were James Fullerton and James Hamilton, young men of family, who opened a school in Dublin, and were supposed also to be commissioned by their king, James VI. to maintain a correspondence with the leading persons in that capital and vicinity, preparatory to his eventual succession to the crown of England.

Under these masters young Usher made a rapid progress in the rudiments of polite literature; so that in his thirteenth year he was judged qualified to be entered a student of the newly founded college of Dublin. A seminary of learning had been founded in this city as early as 1320, by Alexander Bicknor, archbishop of Dublin, but it was gone to total decay. The motion for its revival was made in parliament by Usher's grandfather, Mr. Stanihurst; and his uncle, James Usher, afterwards archbishop of Armagh, was very instrumental in obtaining the charter and grants for the new foundation from queen Elizabeth;

Elizabeth; so that our young scholar was closely connected by both parents with the rising institution. He was accordingly one of the three first matriculated students on its opening in 1593; and his name has been said to stand at the head of the roll.—What university in Europe can boast a fairer commencement*?

At this early period of his literary life, he is said to have manifested a particular inclination to poetry; and one of his biographers adds, that he was also much addicted to the less innocent amusement of card-playing: but if he lost any time by these propensities, it was soon redeemed; for we find him, at the age of fourteen, seriously engaged in historical studies. In a survey of the human mind there is nothing more curious and instructive, than to trace the circumstances which may have given the primary turn to those pur-

* Being desirous of ascertaining this point with correctness, I obtained, by means of a friend, the favour of an examination into the registers of Dublin college; but was mortified by being informed, that it possesses no records of matriculation of an earlier date than 1637, the period when its last charter was granted.

suits

suits by which an individual has rendered himself distinguished. It is asserted that Usher (indeed he himself alludes to the circumstance in a dedication to king Charles), happening to meet with the following sentence in Cicero, " Nescire quid antea quam natus sis acciderit, id est, semper esse puerum," (To be ignorant of what occurred before you were born, is to be always a child,) was so much impressed by it, that he immediately commenced the perusal of Sleidan's work " De quatuor Monarchiis;" and that history and antiquities thenceforth became favourite objects of his research. Between his fifteenth and sixteenth years he had made such a proficiency in chronology, that he had drawn up in Latin a chronicle of the Bible as far as the book of Kings, in a method not much different from the Annals which were the product of his mature age.

Divinity was also a subject that occupied his attention at an early period of his life, that department of it in particular which relates to the controverted points between the papists and protestants. In these he could not fail to be interested at such a time and place,

place, especially as he had an uncle, Richard Stanihurst, who was a learned writer of the catholic persuasion. It was probably this relation who put into his hands a noted book entitled "Stapleton's Fortress of the Faith;" the author of which had asserted with great confidence the antiquity of the doctrines held by the church of Rome, which he had supported by numerous quotations from the fathers. Usher, therefore, in the spirit of a genuine enquirer after truth, took a resolution of engaging in a complete course of these writers; and having prescribed to himself a certain daily portion of reading in them, which no avocations should induce him to intermit, he employed eighteen years of the prime of life in accomplishing this task.

Previously to this course of study, however, he was proceeding with success in his academical career; and a circumstance had occurred highly interesting to the developement of his character. He took the degree of B. A. in 1596; and two years afterwards distinguished himself as respondent in a philosophy act held in the college before the new lord lieutenant, the Earl of Essex. At this

this period his father urged him to the study of the common law, as a professional pursuit; and although his disposition was entirely averse to this destination, his deference to paternal authority would have induced him to comply with the injunction, had not his father's death soon after left him his own master. Being the eldest son, he succeeded to an estate of considerable value, but encumbered with lawsuits, and burdened with portions for his seven sisters. Conceiving that the management of these concerns would interfere with the studies to which his inclinations were devoted, he adopted a resolution indicating singular strength and elevation of mind. This was, absolutely to resign his inheritance to his brother, reserving for himself only as much as would decently maintain him at college, and supply a fund for the purchase of books. That he did not take this step ignorantly, or for want of capacity to understand matters of business, was proved by his drawing up a correct account of the estates and leases left by his father, with a statement of all the suits and encumberances annexed to the property, which he put into the hands of his uncle, as guardian to the children. Of

Of his theological zeal and proficiency he gave an extraordinary proof when he was about the age of eighteen. One Henry Fitz-Simons, a Jesuit, while a prisoner on account of his religion in the castle of Dublin, published a challenge in which he offered to maintain in disputation those points in the catholic doctrine which by protestants were thought the weakest, and to oppugn those in their doctrine which they thought the strongest. Our young champion, spontaneously, as far as appears, took up the challenge, and had an interview with the Jesuit. The result of the conference is, as usual in such cases, differently represented by the two parties: for while Fitz-Simons speaks of his antagonist as a forward stripling, eager for dispute, whom he sent back in order to procure testimonials from his college of being qualified for the contest, which failing to do, they met no more; others represent the Jesuit as so much baffled in the first conference, that he chose to decline a repetition of it. There is printed in Parr's Life of Usher a letter from him to Fitz-Simons, in which he speaks of "our last meeting," and of "a continuation

tinuation of the conference begun betwixt us," and earnestly requests that the controversy may go forward; to which it is said that no answer was ever returned. The real statement of this business is of no great importance, since no doubt is left of that controversial ardour, and early attention to theological topics, which stimulated him on the occasion, and marked his character. It was likewise an earnest of that zealous opposition to popery, of which, in the sequel, we shall find some remarkable instances in his public conduct.

In 1600 Usher proceeded to the degree of M. A. and was chosen proctor and catechetical lecturer of the university. The manner in which he acquitted himself of the latter of these offices proved him so well qualified for public instruction, that his superiors and friends were greatly desirous of seeing him in the pulpit; and he was accordingly persuaded, in his twenty-first year, though under the canonical age, to become a candidate for ordination, which was conferred upon him by his uncle, the Archbishop of Armagh. He was soon after appointed to preach on Sunday

day afternoons before the state (or officers of government) at Christ church, Dublin, on which occasion he usually treated on the principal points of controversy between the Romish and Protestant churches. As at this time the catholics were endeavouring to obtain a toleration, or at least a connivance, for the exercise of their worship, the zeal of our young divine was excited to oppose this indulgence, however reasonable, regarding their religion as superstitious and idolatrous, and endangering the established government in church and state. To this purpose he preached a remarkable sermon from the following text in Ezekiel: *And thou shalt bear the iniquity of the house of Judah forty days: I have appointed thee each day for a year.* This prophetic denunciation he applied to the case of the Irish catholics, and said, "From this year (1601) I reckon forty years, and then those whom you now embrace shall be your ruin, and you shall bear their iniquity." That he should hazard such a prediction, how lax soever in its expression, denoted a temper inclined to enthusiasm; but when it appeared to be in an extraordinary manner fulfilled by the Irish

rebellion which broke out in 1641, some who recollected it were ready to attribute to him a real prophetic spirit; and, as we shall hereafter see, the concurrence seems to have made an impression upon his own mind.

A circumstance to which military history probably affords few parallels occurred about this time in Ireland. The English troops which had recovered Kinsale from the Spanish allies of the native Irish, and suppressed the insurrection of the latter, testified their respect for learning by subscribing among themselves the sum of £1800 for the library of Dublin college. To fulfil the purpose of this benefaction, Dr. Chaloner and Usher were deputed in 1603 to go to England for the purchase of books. This was a very favourable occasion for the first visit to the sister island of one who had already imbibed an ardour for literary research, which required for its gratification opportunities for consulting books and manuscripts much superior to those afforded by Ireland at that time; and it cannot be doubted that he embraced it with great alacrity. The delegates had the advantage of meeting with

with Sir Thomas Bodley in London, who was then assiduously employed in making that collection of books which has so honourably perpetuated his name; and they derived much benefit from his advice and assistance. (18)

The first ecclesiastical preferment conferred upon Usher was the chancellorship of St. Patrick's, Dublin, to which he was presented by Archbishop Loftus, and this was the sole benefice he enjoyed till his promotion to the episcopal bench. In this station he passed some years, in a state of celibacy, maintaining a decent hospitality, and expending the superfluity of his income upon books, which were always the most valued part of his property. Although his post did not oblige him to pulpit services, yet from motives of duty he usually preached every Sunday at Finglass, near Dublin, of which living he enjoyed the emoluments as chancellor; and he endowed that church with a vicarage.

He revisited England in 1606, where he contracted an intimacy with the two eminent antiquarians, Camden and Sir Robert Cotton. The former was at this time engaged in completing a new edition of his "Britannia;"

and Usher was consulted by him on various matters relative to the ancient state of Ireland, and the history of Dublin. Camden has thus recorded the advantage he received from his communications: "For many of these things concerning Dublin I acknowledge myself indebted to the diligence and labour of James Usher, chancellor of the church of St. Patrick, who, in variety of learning and judgment, far surpasses his years." The history and antiquities (especially the ecclesiastical) of his own country had, indeed, been objects of his enquiry from an early age.

In 1607 he took the degree of B. D. and soon after was made professor of divinity in the university of Dublin. This office he filled thirteen years, during which he read lectures, at first twice, afterwards once, in the week, except in the vacations. Their subjects were always polemical, especially in reference to the points in controversy with the church of Rome, the dreaded enemy of that age, against which it would have been happy on both sides if no other war had subsisted than that of argument. About this time he was also engaged in making a digest of the canons of the

the ancient church, as extant in the "Codex Canonum Ecclesiæ universæ." He did not publish the result of his labours on this head, probably reserving it for his intended Bibliotheca Theologica; but some of his observations are given in a letter to Dr. Sam. Ward, printed in Parr's Collection.

A dispute was at this period depending concerning the Herenagh Terman, or Corban lands, anciently appropriated to the Chorepiscopi, and free from secular imposts and jurisdiction, but liable to certain payments and services to the bishops. Usher drew up a learned treatise on the subject, which, as the matter concerned the English as well as the Irish bishops, he sent in manuscript to Bancroft, archbishop of Canterbury, by whom it was presented to king James. The substance of it, translated into Latin, was afterwards published, with proper acknowledgments, by Sir Henry Spelman, in the first part of his Glossary.

In 1609 he paid another visit to England, where his name was now so advantageously known, that he was noticed at court, and once preached before the household. He greatly

greatly augmented his literary connections, and formed many friendships which no length of time dissolved; for his disposition and manners were singularly adapted to inspire esteem and affection. Among his new acquaintance are to be found the names of Sir Henry Bourchier, afterwards earl of Bath, Sir Henry Savile, Henry Briggs, at that time Gresham professor of astronomy, (19) John Selden, John Davenant, afterwards bishop of Salisbury, (20) Samuel Ward, afterwards president of Sidney college, and Thomas Lydiat, eminent for his chronological researches. (21) From this period he constantly visited England once every three years; doubtless finding it necessary for the prosecution of his learned labours that he should at due intervals enjoy those aids from books and conversation of which his own country was then almost wholly destitute. It was his custom on these occasions to divide his time so as to pass one summer month at each of the universities, and the rest of his stay in London, where he was most frequently to be found in the Cottonian library. On one of these visits, probably that in 1609, he provided

vided for his literary wants at home by taking back with him that neglected scholar, Lydiat, whom he accommodated for two years with chambers in Dublin college, and appears to have intended finally to settle in Ireland.

When Usher had attained his thirtieth year, the fellows of the college testified their esteem for his character by unanimously electing him to the provostship. This truly honourable post he thought fit to decline; apparently, because its duties, exactly fulfilled, would not have left him sufficient leisure for the studies in which he was at that time deeply engaged, nor have permitted his long residences in England. It could not have been merely through a determined preference of a life of literary repose and retirement; since he afterwards accepted stations with still more burdensome duties annexed. Perhaps, however, as he had originally devoted himself to theology, he might think it inconsistent with that destination to fix himself in an office which, though suitable to him as a man of letters, was in some measure alien to him as a divine. Two years afterwards he was admitted to the degree of D.D.

D.D. which was conferred on him by Hampton, archbishop of Armagh, then vice-chancellor of the university of Dublin. On this occasion he chose for the subjects of two lectures read as part of his exercises, the Seventy Weeks of Daniel, and the text in the Revelations predicting Christ's reign on earth of a thousand years. These pieces were not printed: but the substance of the first appears to be contained in his great chronological work; and of his second, in the work next to be mentioned.

In 1613, upon a visit to England, he printed at the royal press his first publication, entitled *Gravissimæ Quæstionis de Christianarum Ecclesiarum, in Occidentis præsertim partibus, ab Apostolicis temporibus ad nostram usque ætatem, continua successione et statu, Historica Explicatio.* This book was dedicated to king James, by whom it is said to have been highly approved, on account of its apocalyptic discussions, in which branch of theology that learned monarch had deeply speculated. Dr. Usher's work may be regarded as a continuation of Bishop Jewel's "Apology for the Church of England," of which the design

was

was to prove that the tenets of the protestants were the same with those of the primitive christians. That eminent prelate had pursued his argument to the sixth century. Usher took it up there, and in his first part brought down his view of the church to the accession of Gregory VII. to the pontificate, in the tenth century. The second part was to have extended to the year 1370; but in the execution it falls short of that period above a century. A third was planned, to comprise the time from that era to the Reformation; but no part of this ever appeared. It was Usher's intention to have published the whole complete after his uncle Stanihurst's* announced answer to the first part should

* *Richard Stanihurst* had withdrawn into the Low Countries, and taken orders, his wife being dead; and was appointed domestic chaplain to the Archduke Albert, and the Infanta Clara Isabella Eugenia. He died at Brussels in 1618. After the publication of his nephew's work, he printed, at Douay, in two or three sheets, an epistolary "Premonition" concerning a future controversy with James Usher, whose application of the title of Antichrist to the successors of St. Peter seems to have given him great offence. In a letter from Usher to Lydiat *(Parr's Collec.)*, in which he mentions his uncle's intended answer, and also refers to another

should have made its appearance; but this never took place, and no other edition of the work was given by the author. Some papers which he seems to have prepared for this purpose were lost in the subsequent confusions.

In this year he entered into the matrimonial state with the daughter of Dr. Luke Chaloner, his first companion to England, who entertained so high an opinion of him, that not having been able to accomplish his purpose of effecting this union during his life, he charged his daughter on his death-bed to marry no one but Dr. Usher, should he propose himself. With this lady, who was an heiress with a considerable fortune, he lived forty years in great harmony. Their only child was a daughter, afterwards Lady Tyrrel.

It was about this time, as may be concluded from his correspondence, that he enlarged his literary acquaintance by the addi-

another work which had animadverted upon him, he adds, "Both these I would willingly see before I set out my book anew; that if they have justly found fault with any thing, I may amend it; if unjustly, I may defend it:"—an excellent rule for a controversialist!

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tion of the Rev. Thomas Gataker (22), Dr. John Bainbridge (23), and Dr. Thomas James (24), all of them persons deserving of commemoration among the men of learning of their time, and who, from their letters, appear to have entertained the highest respect for the character and talents of Usher.

In 1615, a convocation of the prelates and clergy of the Irish establishment being held at Dublin, it was determined, that they should assert their independence on the church of England, of which they had hitherto been regarded as a kind of colony, by drawing up a set of articles of religion for their own church. Dr. Usher was the person chiefly employed on this occasion; and in these articles, which were 104 in number, the doctrines of predestination and reprobation, according to the system of Calvin, were stated in the most explicit terms. And as the keeping of the Sabbath-day holy was enjoined in one of the articles; and Usher was moreover known to maintain the opinion that bishops were not a distinct order in the church, but only superior in degree to presbyters;

byters; some officious persons took occasion to represent him to king James as a favourer of puritanism—the object of that monarch's rooted antipathy. This imputation being reported to Usher, he thought it prudent, when he visited England in 1619, to provide himself with a recommendatory letter from the lord-deputy and his council to the English privy-council, containing a testimonial to his orthodoxy, and a high encomium on his professional and moral character. Among other eulogies, they call him "an excellent and painful preacher; a modest man abounding in goodness; and his life and doctrine so agreeable, as those who agree not with him, are yet constrained to love and admire him." This attestation, together with the satisfaction he gave his Majesty in a long conference in which the king exercised his favourite function of an examinant into points of faith and doctrine, joined to Usher's political orthodoxy concerning the head of the church, and the unlawfulness of resistance to the regal authority, not only removed the prejudice against him, but procured for him the

royal

royal spontaneous nomination to the vacant see of Meath*.

While yet in England, Usher was desired by the House of Commons to preach before it on a day appointed for a general participation in the Lord's-supper at St. Margaret's church, and though the prebends of Westminster claimed the office as appertaining to their body, the House persisted in its choice. The king being appealed to, gave sentence in Usher's favour; and sending for him before the service, told him "that he had an unruly flock to look unto the next Sunday;" and suggested to him some topics for his discourse, particularly dwelling on the urgent

* From a letter written to Usher by a clergyman in Ireland, named Emanuel Downing, it appears that it was a common artifice among the papists there to endeavour to prejudice any zealous protestant clergyman by fixing on him the name of *puritan*, which they knew to be peculiarly odious to the king. "Whence," says Mr. Downing, "it were good to petition his Majesty to define a puritan, whereby the mouths of those scoffing enemies would be stopt; and if his Majesty be not at leisure, that he would appoint some good men to do it for him."—PARR's *Life of Usher*.

Definition would indeed be the most effectual method of silencing much party calumny and abuse.

necessities

necessities of the times, and the miserable state of christendom, with his favourite maxim, *bis dat qui citò dat:* (the gift is doubled by giving speedily). The secret of this matter seems to have been, that the House of Commons, suspecting that some concealed papists had got seats among the members, ordered the taking of the sacrament conjunctly as a test; and that James, who was intent upon the Spanish match, and wished to favour the catholics, did not approve the measure, but could not decently oppose it. In his conversation with Usher, among other things, he said, that he did not conceive how some hundreds of persons could be so prepared on a sudden as safely to partake in such a solemn mystery. Usher was probably chosen by the House as a person well known for his opposition to popery; and in his sermon he was careful to state explicitly the difference between the Roman catholic and the English church in respect to the doctrine of the real presence.

On his return to Ireland in the following year, he was consecrated by Primate Hampton, and took possession of his see, with a mind

mind and carriage unaltered by his elevation, and a resolution faithfully to perform the duties of his office. As he had already, when but a young divine, declared himself unfriendly to a free toleration of the papists, it was not to be expected that when he occupied so high a station in the rival church, his ideas on this head would become more liberal. Such is human nature! — to the weakness of which, every candid man, long acquainted with mankind, will be duly indulgent. In October 1622, when Lord Falkland* received the sword as lord-deputy, Usher preached a sermon before him, upon the text "He beareth not the sword in vain." This discourse gave great offence to the recusants, by whom it was represented as a a kind of call upon the new governor not to let the sword rest in the scabbard, but to employ it against the enemies of the established religion. Usher was too good a man really to wish for severe or sanguinary measures; yet it must be allowed that he chose a text easily liable to misconstruction: and

* Father of the more celebrated Lord Falkland.

that

that some passages in his sermon were justly excepted against, may be concluded from an admonitory letter written to him on the occasion by his metropolitan, Primate Hampton, in which he advises "a voluntary retractation, and milder interpretation of the points offensive, especially of drawing the sword." He also suggests the propriety of "his withdrawing from those parts, and spending more time in his own diocese;" which seems to imply that he was thought too fond of frequenting the seat of government. No reply to this letter is extant; but in Parr's Collection a letter is printed from Usher to the late Lord-deputy Grandison, in which he gives an account of his sermon, and contradicts some of the reports relative to it. He admits having said that "if his Majesty were pleased to extend his clemency towards his subjects that were recusants, some order notwithstanding might be taken with them, that they should not give us public affronts, and take possession of our churches before our faces"—of which usurpation he gave two instances; and also, that he entreated "that whatever connivance were used to others, the laws might

might be strictly executed against such as revolted from us." Upon the whole, our good prelate seems in this business to have been urged by his zeal to pass the limits both of discretion and equity.

His sentiments, however, could scarcely have been disapproved by the persons at that time in power, since we find him, in the November following, appointed to deliver an address to certain catholics of rank, who, on account of their refusal to take the oaths of supremacy and allegiance, were summoned to the Castle-chamber at Dublin, to receive a censure. The object of his harangue was to convince them that they might conscientiously take the oaths required. It is printed in Dr. Parr's work; and the arguments are said to have persuaded many of the recusants, though they do not appear such as would overcome the scruples of a papist well grounded in the tenets of the church of Rome. King James, however, was so well satisfied with the manner in which the bishop had acquitted himself in support of his spiritual supremacy, that he expressed his approbation in a letter to him under the

royal signet, and not long after nominated him a privy-counsellor of Ireland.

In order to oppose the errors and superstitions of popery with which his diocese as well as the whole kingdom was overrun, Usher in this year published a treatise in English concerning *The Religion of the ancient Irish and Britons*, the scope of which was to show the conformity of the rites and doctrines of the early ages of christianity in these countries with those of the protestants, and to point out the periods in which the practices of the church of Rome were successively introduced. This work, dedicated to his particular friend, Sir Christopher Sibthorpe, justice of the Common Pleas in Ireland, displayed the writer's deep research into national antiquities. It was reprinted at London in 1631.

The reputation he obtained by it, with his general character for learning and industry, caused him to be engaged, at the command of king James, in a more elaborate work on a similar subject—the antiquities of the British church; and a letter of the king's to the lord-deputy is printed by Parr, in which his Majesty

Majesty directs that the Bishop of Meath, as soon as he had put his diocese in order, should receive a licence to go over to England, that he might obtain the proper helps for bringing the proposed work to a conclusion. He accordingly came hither, and spent about a year in examining manuscripts in libraries public and private, and procuring information of every kind relative to his subject. On this visit, being sent for by the king to his hunting seat at Wanstead in Essex, he preached before the court a sermon on the universality of the christian church, and the unity of the catholic faith, which was printed by the royal command.

On his return to Ireland in 1624 he was for some time engaged in writing an answer to a polemical challenge given some years before by William Malone, an Irish Jesuit, who had appealed to the first ages of christianity in proof of the pretended uniformity of doctrine always preserved by the Romish church. Usher in his reply went through all the principal points in which the church of Rome differs from that of England, as the doctrines of the latter were settled by the

articles of 1612; and his work displayed a very accurate acquaintance with ecclesiastical history and the writings of the fathers. After this was finished, he revisited England, where he was proceeding in his enquiries into the ecclesiastical antiquities of the island, when the death of Dr. Hampton left a vacancy in the see of Armagh and the primacy of Ireland. James, who had always peculiarly termed Usher *his* bishop, now testified the high opinion he entertained of his merit by nominating him, against several competitors, to the vacant dignity; and after he had been canonically elected, the king wrote a letter to a nobleman who had been constituted guardian of the temporalities of Armagh, enjoining him to deliver the whole of the profits, without deduction, to the new archbishop's receiver.

His return to Ireland was delayed by a long illness; and in the mean time Charles I. succeeded to the throne. This prince, soon after his accession, gave a proof that the merits of Usher were not forgotten, by ordering him a bounty of £400 out of the revenues of Ireland, in consideration of services performed

performed to his father. During this interval, in November 1625, an incident occurred which produced important consequences to our prelate for the remainder of his life. He received an invitation from John Lord Mordaunt, afterwards the first earl of Peterborough, to come to his seat at Drayton in Northamptonshire, for the purpose of holding a disputation on the points in controversy between the churches of Rome and England. His lordship was a zealous catholic; and his lady, the daughter and heiress of Howard Lord Effingham, an equally zealous protestant, being extremely desirous of converting her husband, had chosen Usher for her champion. The catholic advocate was an English Jesuit, who had changed his real name of Rockwood for that of Beaumont, and was Lord Mordaunt's confessor. Usher complied with the invitation, and the conference lasted three days, five hours in each day, he acting as the opponent. On the fourth, when the Jesuit was to have assumed that part, an excuse was received from him, implying that all his arguments had entirely slipped from his memory, as a just judgment for

for his having undertaken the defence of the catholic cause against so learned an antagonist, without permission of his superiors. This shuffling tergiversation, together with the primate's reasoning, made such an impression on Lord Mordaunt, that he declared himself a convert, and remained a protestant ever after; and in the Countess of Peterborough Usher acquired a warm friend, whose attachment was a great source of comfort to the day of his death. His success in this contest might console him for the mortification he must have undergone from the conversion of his own mother to popery, the religion of most of her family. This event happened during one of his absences in England, and doubtless contributed to enhance his displeasure at the proselyting attempts of that party in Ireland.

The archbishop did not return till 1626 to be installed in his new dignity, and take his place at the head of the Irish church. His first cares were directed to the inspection of his own diocese, the restoration of due discipline among the clergy, and the correction of abuses in his ecclesiastical courts. Popery

was

was still the great object of alarm to him and his brother prelates of the establishment, and an occasion was soon offered them of declaring their sentiments concerning the policy to be observed towards the professors of this religion.

War was at this time subsisting both with France and Spain; and it being thought necessary to augment the military force for the defence of Ireland, a proposition was made for the levying and maintaining an addition of 5000 foot and 500 horse. An unwillingness appearing in the nation to consent to this measure, from the suspicion that it was intended to be perpetual, the bait was thrown out to the catholics of a more enlarged toleration of their religion as the reward of their concurrence; and the Lord-deputy Falkland summoned a general assembly of both religions to Dublin castle, for taking the matter into consideration. The primate, having caught the alarm, called a previous meeting of prelates at his own house; and a protestation against the proposed indulgence was unanimously agreed upon, and subscribed by all present. It commences thus: "The religion of the papists

papists is superstitious and idolatrous; their faith and doctrine, erroneous and heretical; their church, in respect of both, apostatical. To give them, therefore, a toleration, or to consent that they may freely exercise their religion, and profess their faith and doctrine, is a grievous sin." It proceeds to affirm that such toleration is a sin; both as it is being accessory to their errors, and as granting it upon a pecuniary account, is to set religion to sale. In conclusion, it recommends these considerations to the persons in authority. The Bishop of Derry and the primate afterwards preached sermons before the lord-deputy and council, strongly enforcing the topic of the sinfulness of setting souls to sale for money.

Bayle, in his Dictionary, under the article *Usher*, makes the remark, that in this protestation "the archbishop and his suffragans acted according to the principles of the extremest intolerance; for they did not found their reasoning upon maxims of state, like the advocates for mitigated intolerance, but solely upon the nature of the Roman catholic worship; without making mention of its persecuting

secuting spirit, which is the only cause why even the friends of toleration argue that it ought not to be tolerated:"—and notwithstanding a laboured attempt in the "Biographia Britannica" to refute this censure, it is manifestly well grounded. The protesters do indeed add, that such granting of toleration for money is not only a great sin, but "also a matter of most dangerous consequence;" but what this danger is, they do not explain; and all their argument turns upon the assumption, that popery is a false religion—an argument which, as every established religion may with equal right advance it against every other, will justify universal intolerance. It is likewise true that Milton, a friend of toleration in general, adds to his reasons for not tolerating popery, that of its being *idolatrous*. But this is the feeling of an individual, probably derived from his familiarity with the Jewish scriptures; and certainly would not be acquiesced in by any consistent reasoner in favour of toleration. On the whole, the fact must be admitted as one of the many proofs that protestantism at that time was not at all more tolerant in its principles

principles than popery; and that our worthy primate had not advanced beyond his brother churchmen in that particular. It will also, perhaps, by many be regarded as an example of the mischief arising from the interference of an order of men influenced by peculiar interests and prejudices, in the political concerns of a nation.

The primate afterwards, in his capacity of a privy-counsellor, made a speech to the assembly, in which he shewed the necessity of a standing force for the defence of the kingdom from both foreign and domestic foes, and endeavoured to convince the members of each communion that it was their interest and duty to comply with his Majesty's desires in this matter, without conditions on either part, leaving him to extend or abridge his indulgence to the recusants at his pleasure: a courtly suggestion, which, though it failed of effect on that side of the channel, was much approved on this side. The speech is no unfavourable specimen of political talents.

Besides the proper duties of his station, the primate's attention was occupied with the augmentation of his library, and the common

common interests of literature. For the purpose of procuring Oriental books and manuscripts, he held a correspondence with Mr. Thomas Davies, an intelligent merchant residing at Aleppo, by whose means he obtained a curious copy of the Samaritan Pentateuch, a Syriac Pentateuch and commentary on the greatest part of the Old and New Testament, and several other valuable manuscripts. From the Samaritan Pentateuch he made, at the request of his friend Selden, some transcripts for the use of his "Marmora Arundelliana," which are the subject of a learned letter of Usher's in Parr's Collection. The manuscript itself was deposited by him in the Cottonian library. When Dr. Walton was compiling his Polyglot Bible, Usher gave him the use of all his Oriental treasures, which were of considerable service to that learned man's undertaking. They finally centered, for the most part, in the Bodleian library.

It has already been remarked that Usher's theological system was strictly calvinistical; he therefore was not likely to regard with indifference the progress arminianism was making in the English church at the beginning

ning of Charles's reign. The predestinarian controversy was on this account a topic in which he felt himself much interested; and in 1631 he published a history of the Benedictine monk Gotteschalc, with whom, in the ninth century, that controversy originated, and who was a kind of martyr to the cause of predestination. The primate's work, which was the first Latin production of the Irish press*, is entitled *Goteschalci et Prædestinariæ Controversiæ ab eo motæ Historia*. It is dedicated to J. Gerard Vossius, whom he was desirous of bringing to Ireland, and settling as dean of Armagh; and it affords abundant proof of the author's accurate research into the ecclesiastical history of the middle ages.

Some time before the printing of this work,

* There is a curious notice concerning the Irish press in a letter from Usher to Camden, dated June 1618. He says, "The company of stationers in London are now erecting a factory of books and a press among us here: Mr. Felix Kingston and some others are sent over for that purpose. They begin with printing the Statutes of the realm; afterwards they purpose to fall in hand with my collections "De Christianarum Ecclesiarum Successione et Statu." It does not appear, however, that there was any Irish edition of this last work.

Dr.

Dr. George Downham, bishop of Derry, had published a book in Ireland against the Arminians. Laud, who was then bishop of London, and a zealous partizan of arminianism, procured a letter in the king's name to Archbishop Abbot, for the suppression of all the copies of Downham's book which had been sent to England; and not content with this interference, he caused another letter to be written to Primate Usher, commanding the same proceeding against it in Ireland. This could not fail of being grating to the primate, both as an attempt to suppress and condemn opinions which he himself favoured, and as an assumption of authority over the Irish church. He thought it his duty, however, to obey the royal mandate in this matter, as appears from a letter of his to Laud, found in the study of that prelate at Lambeth, and copied by Prynne in his History of Laud's Trial. In this letter, dated November 1631, the primate, excusing himself for not having taken notice of what was done at the press of Dublin, because he supposed it out of his jurisdiction, informs Laud, that on the receipt of the king's letters he had issued

sued his warrant for the seizure of all remaining copies of the Bishop of Derry's work, and that he shall "take order that nothing shall be hereafter published contrary unto his Majesty's sacred direction:"—such was the servitude of the church under this pious prince! He further takes care to correct Laud's mistake in thinking that Downham's book came out after the publication of Gotteschalcus; and acquaints him that its matter was not new, but was preached in St. Paul's church when Dr. Bancroft was bishop of London.

A circular letter from his Majesty to the Irish archbishops, complaining of the increase of popery in that island, and urging them to exertions for keeping their clergy to their duties, and using proper means for gaining over the ignorant and superstitious catholics, reanimated the zeal of the primate; who assiduously employed himself both in reforming the clerical abuses which had crept into his province, and in the business of proselyting. For effecting the latter, he took a much better method than that of enforcing penal laws;—that of cultivating an acquaintance

acquaintance with the catholics of different ranks, inviting them to his house, and holding friendly conversations with them; and his success in conversion is said to have been considerable. He also used his endeavours to bring into the fold of the established church the protestant sectaries of Scotch and English origin, reasoning with them concerning the weakness of those scruples which alienated them from her worship and government. What effects these reasonings produced, we are not told; but it has been found by experience that conscientious scruples are extremely difficult to be overcome; for how light soever they may appear to those who do not entertain them, when enforced by habit and association they often act with irresistible force: and the feelings of one mind on those subjects are incommunicable to another. Nor does a near approach in points regarded by both parties as fundamental, imply any facility of agreement in matters of inferior moment. Those dissenters who in doctrine have most coalesced with the established church, have always been at least as irreconcileable to its rites and

and discipline as those who have most deviated from it in that respect; and the high-church episcopalians have been as firm separatists from the church of Rome, with which they appeared to have so close an affinity, as their more moderate brethren.

The king's letter seemed to imply neglect of duty in the Irish clergy; and I believe it has generally been found that the incumbents of Irish livings sent from England to a country of the manners and language of which they are ignorant, and which they have been habituated to regard with aversion and contempt, have proved unequal both in zeal and ability to the business of instructing the natives. Of Usher's ideas on this subject, and on the admission of unlearned persons to orders, the following anecdote related by Dr. Parr will afford some information. An English mechanic in his diocese, honest, pious, and much addicted to the perusal of works in practical divinity, applied to him, expressing an earnest wish to be ordained. The primate, regarding the inclination as the offspring of fancy or conceit, advised him to go home and adhere to his proper calling. The man,

man, however, unable to resist his propensity, soon after renewed his application; when the primate discoursed with him, and finding that he had attained considerable knowledge in the fundamentals of the christian religion, asked him if he understood the Irish language, at the same time telling him that he could do little good in those parts without such an acquisition. He acknowledged his ignorance of it, but professed himself ready to undertake the task of learning it if his Grace accounted it a necessary preliminary to his ordination. About a year after, he returned again, and acquainted the primate that he was now able to express himself tolerably in that language, and therefore hoped he might at length be admitted to orders. The primate, thinking that a man of his character, capable of speaking to the people in their own style and tongue, was more likely to be serviceable to the cause than a Latin scholar without that qualification, complied with his request: nor had he reason to repent of his condescension; since the new clergyman proved a respectable and useful minister, and was very successful in

making converts from the catholics, till the rebellion put a period to his labours.

In 1632 Usher appeared as the editor of an antiquarian work entitled *Veterum Epistolarum Hibernicarum Sylloge, quæ partim ab Hibernis, partim ad Hibernos, partim de Hibernis vel rebus Hibernicis sunt conscriptæ;* being a select collection of letters to and from ancient Irish bishops and monks, between the years 592 and 1180, and relating to affairs of the Irish church. Of these, some were taken from different printed books, but corrected by collation with manuscripts; others were inedited pieces, extracted from the Cottonian and other libraries. Many of these letters relate to the controversy between the British and Irish churches on one part, and the see of Rome on the other, concerning the time of the celebration of Easter. The learning and judgment displayed in the publication of this curious collection were highly creditable to the editor.

About this time we find the primate in frequent correspondence with Laud, then bishop of London, and the king's confidential minister for affairs both of church and state.

In

In temper and disposition few churchmen have differed more than these two prelates, and their theological systems were in several respects at variance; yet both were zealous in supporting ecclesiastical rights and privileges, and vigilant in rescuing the property of the church from lay usurpation. Several letters between them are published in Parr's collection, from which it appears that Laud was very ready to give his assistance in every thing that concerned the church of Ireland, and the university of Dublin, of which he had been elected chancellor. In some of these letters Usher speaks with high approbation and gratitude of the efforts of the new Lord-deputy Wentworth for recovering the dissipated patrimony of the church, the improvement of which was one of the leading objects of that distinguished statesman's vigorous and able, though arbitrary, administration.

In 1634, previously to the intended meeting of the Irish parliament, a letter was sent by the king to the lord-deputy, directing him to procure means for the determination of a claim advanced by the Archbishop of Dub-

lin for the precedency of his see over that of Armagh. Wentworth in consequence applied to Usher for a statement of the arguments in favour of his own see, a task which, through modesty, he would have declined, as being personally interested in the controversy. His excuse, however, was not admitted; and he drew up a discourse on the subject, in which, through his intimate acquaintance with ecclesiastical antiquity, he was enabled to adduce such convincing proofs of the earlier primacy of the see of Armagh, that the precedency was adjudged to it by the king and council, and has never since been brought into dispute.

A more important question occurred when the parliament and convocation were assembled, in which the primate seems to have found it necessary to submit to an influence that he was not able to resist. The independency affected by the Irish church, in having articles and canons of its own, could not be agreeable to the maxims either of church or state which then prevailed in the English court. Wentworth's fundamental principle in his government of Ireland was to render it in every respect

spect a dependency on the crown of England. Laud, now become archbishop of Canterbury, was induced, not only by his personal love of power, and his notions of the necessity of uniformity in religion, but by his attachment to the arminian tenets in opposition to the calvinistic, to wish for the abrogation of the Irish articles of faith, to which Usher had given a decided bent towards the latter system. At the opening of the convocation, therefore, Bramhall, bishop of Derry, was instructed to move that the whole body of the English canons should be adopted by the Irish church. This proposition, however, was opposed by the primate and others as too derogatory to the independence of the Irish church; and at length, after much discussion, the compromise was agreed upon of admitting a certain number of the English canons, and retaining such of the Irish as had a particular reference to the circumstances of that church and kingdom. With this modification, Laud, in a letter to Usher, declares himself satisfied, though he would have preferred the adoption of the entire English canons.

But

But his triumph with respect to the articles was more complete; for although the convocation, in the same spirit which influenced them in the case of the canons, would not absolutely abrogate their own, yet they decidedly accepted those of the English church, as was declared in the first of the new canons, drawn up by the primate himself. It runs thus: "For the manifestation of our agreement with the English church in the confession of the same christian faith, and in the doctrine of the sacraments, we receive and approve the book of articles of religion agreed upon between the archbishops, bishops, and body of clergy in the synod of London of 1562, for the removal of difference in opinion, and the establishment of consent in true religion. If therefore any one shall hereafter affirm that any of the said articles are in any respect superstitious or erroneous, or such as cannot be subscribed with a good conscience, let him be excommunicated, and not absolved till he shall publicly have retracted his error." It was impossible to frame a more explicit, indeed, a more submissive, adherence to the rule of faith adopted in the sister island:

island: and the expedient employed to save the authority of the Irish church, that of obliging the candidates for ordination to subscribe both sets of articles, was only requiring an inconsistency, provided the doctrines of the two were in any respect contradictory; which the primate, however, who understood the English articles in a calvinistic sense, probably did not suppose. But this double subscription at length appeared so little reconcileable to good sense and propriety, that it was disused; and a petition was presented to the lord-deputy, that he would please to suffer a confirmation of the Irish articles to pass by way of a bill in parliament. The proposal, however, was so little agreeable to his principles of government, that, if credit is to be given to a charge brought against him, when become Lord Strafford, by the Scotch commissioners, he threatened Usher and the rest to have the articles burnt by the common hangman, if they did not desist from their purpose. The subsequent confusions suspended ordinations in the Irish church; and after the Restoration, the English articles alone were subscribed, as they have ever since been. In

In 1638 Usher published at Dublin a short treatise entitled *Immanuel, or the Mystery of the Incarnation of the Son of God*, designed as a popular and scriptural elucidation of that doctrine. In the following year, the work on which he had been so long employed, *De Ecclesiarum Britannicarum Primordiis*, made its appearance. This performance, the fruit of elaborate and profound research, contains the antiquities of the christian church in the British islands, from its supposed commencement twenty years after Christ's crucifixion, down to the close of the seventh century. The earlier periods are, of course, involved in much darkness and fable, through which the author makes his way with caution and judgment. In the later he expatiates more freely, treating at large on the introduction of the Pelagian heresy, the colonies of Picts and Scots, and their conversion to christianity, and the preaching of St. Patrick and other Irish saints. This work of the learned primate has ever been regarded as of high authority, and has been freely used as such by subsequent writers. An edition, corrected and improved by the author, was published at London in 1677. About

About the beginning of the year 1640, the primate repeated his visit to England, accompanied by his family; leaving, as he thought, Ireland in a perfectly tranquil state. It proved, however, a final farewell to his native country, which was soon after plunged in all the horrors of massacre and civil war, and only recovered from them with such a change of its ecclesiastical constitution as entirely annulled his function in it. He found in England those discontents coming to a crisis which had been gathering during many years of arbitrary government; and he thought it his duty to mediate between the contending parties in a point which he might justly think himself well qualified to discuss. The first parliament assembled in 1640, having entered into a debate concerning church government, "the Primate of Armagh," says Whitelock in his Memorials, "offered an expedient for conjunction in point of discipline, that episcopal and presbyterial government might not be at a far distance, reducing episcopacy to the form of a synodical government in the ancient church." This well-meant effort of the primate's for conciliation

conciliation is mentioned by Dr. Smith, who says that a surreptitious copy of his proposal, with errors and interpolations, was published, of which he complained to the house, which made an order for its suppression. Smith, however, acknowledges that in a genuine copy of the primate's scheme, published after his death by Dr. Bernard, it appeared that, through his earnest desire of compromising differences, he had admitted four propositions essentially the same with those respecting church-government laid down by Knox, and other heads of the presbyterian party. The speedy dissolution of that parliament, however, prevented any consequences of his attempt.

From scenes of contention he then withdrew chiefly to the seats of study, and spent some time at Oxford, where Dr. Morrice, canon of Christ-church and Hebrew professor, accommodated him with chambers in that college. The serious dangers which soon after appeared to threaten both episcopal and monarchical authority induced him to draw his pen in their service. In 1641 was published at Oxford a collection of tracts in defence of episcopacy,

episcopacy, by Bishop Andrews, Hooker, Brerewood, and others, in which two pieces of Usher's were inserted. The first of these, *A Discourse on the Origin of Bishops and Metropolitans*, deduces these dignities from the times of the apostles themselves, and maintains that the angels of the seven churches of Asia, mentioned in the book of Revelations, are to be understood as signifying the bishops or metropolitans of those cities. The second, *A Geographical and Historical Disquisition on the Lydian or Proconsular Asia*, is a learned treatise to confirm the preceding opinion by shewing that these seven cities were all metropolital seats of civil government under the Romans. This last piece was reprinted with augmentations at Oxford in 1643. By these tracts, Usher, though still adhering to his opinion that bishops and presbyters differed not in *order*, but in *degree*, yet asserting the apostolical origin and authority of episcopacy, merited to rank among its most strenuous advocates.

In defence of the cause of monarchy, he drew up, at the king's command, a treatise concerning *The Power of the Prince and Obedience*

dience of the Subject, which remained in manuscript till after the Restoration, when it was published by the primate's grandson, James Tyrrel, Esq. with a preface by Bishop Sanderson. In this work, the bishop observes, "every thing may be found which can be met with either in the holy scriptures, fathers, philosophers, common reason, and the laws and statutes of the realm, to prove it altogether unlawful for a subject to take up arms against his sovereign prince." The same opinion the primate strongly maintained in a set of answers to some queries sent him, after the war had begun, by some persons living within the parliamentary quarters, relative to the lawfulness of taking up arms. In these he decidedly pronounces in favour of the duty of passive obedience to the sovereign, and the obligation of rising in his defence when summoned. With respect to the king's *extrajudicial precepts*, he makes a distinction between those which require a man to be *active*, and those which make him only *passive*. Of the former, he says, those are not to be obeyed which enjoin what is unjust by the known laws of the land; with an exception,

tion, however, of acts rendered necessary by war. As to the latter, his doctrine is, "If they be something requiring some of my estate upon a loan or tax, I may not hastily square with my sovereign by denial and standing out; for any man, as he may recede from his right, and that which is his own, so ought he not to contest with his sovereign upon matters of no very great moment. As for the infringing of the liberties of the subject, such taxes or loans, or any other extra-judicial commands of the king, must be *general*, extending to all or most subjects, and *customary*, being often imposed, before they can be judged so immediately to infringe the subjects' liberty as to make a subject think he is bound to deny."

That in giving these opinions the primate spoke what had been the uniform language of his church, and indeed of other established christian churches, is sufficient for his justification; but they appear to afford little ground for the commendatory remark in the Biographia Britannica, that "the archbishop knew how to distinguish unlimited passive obedience, and legal resistance; and held every

every means for defending and maintaining the liberties of the subject lawful, except that of taking up arms against him." He does not, it is true, formally disapprove of resorting to such means; yet he inculcates a spirit of compliance with the injunctions of the sovereign, which, had it universally existed, would have quashed the opposition of the patriots under Charles I. to the demand of arbitrary loans and ship-money, and that king might have continued to govern as an absolute monarch without parliaments:—not to mention, that the principle of never taking up arms against a king, however illegal and tyrannical his conduct may be, if avowed and acquiesced in, must render all other resistance nugatory.

The first important blow struck against the royal authority by the Long Parliament, was the impeachment of Lord Strafford. The king, who highly valued his services, and had solemnly assured him of personal safety, manifested extreme reluctance to pass the bill of attainder which sealed his unhappy fate; and they who either were enemies to the earl, or considered his sacrifice as neces-

sary

sary to the king's own security, were very desirous of overcoming his scruples. The plainly honest and honourable part, which his own conscience dictated, was to keep his word with Strafford, whom he also thought, and justly, to have been condemned contrary to law. But as the character of Charles was defective in point of firmness, it was thought that an equivocation, sanctioned by religious authority, might subvert the spontaneous conclusions of his judgment and feelings. Four prelates were therefore deputed to wait upon his Majesty and confer with him: these were Usher, Morton, bishop of Durham, Williams of Lincoln, and Potter of Carlisle; to whom the king himself added Juxon, bishop of London. As the part taken by Usher on this occasion subjected him to much censure, it will be proper to state the case with some minuteness.

His own account, (as related to Dr. Bernard his chaplain, and printed by him in his funeral sermon for the primate) was, that being sent for to join the other bishops on the Sunday morning, as he was preaching at St. Paul's, Covent-Garden, he told the messenger that

that he was then employed about God's business, which when he had finished, he would attend the king's pleasure; and therefore was not present at the first consultation with the bishops. Dr. Smith thinks it might have been as well on so important an occasion to have waved his scruple about quitting divine service: the circumstance is, however, characteristic. The afternoon being employed by the king in deliberation with his council and the judges, the bishops could not be again admitted to him till the evening; when the question was put to them, whether the king might in justice pass the bill of attainder against the Earl of Strafford? for no one doubted that he might, without scruple of conscience, grant him a pardon. Their determination was to the following purpose—"That therein the matter of fact and the matter of law were to be distinguished: that, of the matter of fact he himself might make a judgment, having been present at all the proceedings against the said earl, where, if upon hearing of the allegations on either side, he did not conceive him guilty of the crimes wherewith he was charged,

charged, he could not in justice condemn him; but, for the matter of law, what was treason and what was not, he was to rest in the opinion of the judges, whose office it was to declare the law." At this meeting, Juxon, who thought the king on no consideration ought to break his promise, did not speak at all; but Williams not only spoke, but put a private paper into the king's hand, which, it was afterwards known, contained some casuistical reasons for his passing the bill.

How guarded soever the decision of the bishops, as here stated, may appear, it will perhaps be thought by those who reject all casuistry in moral questions, that having admitted that the king might conscientiously pardon the culprit, they ought to have concurred with their brother Juxon in regarding him as absolutely bound by his promise to bear him harmless, whatever were his opinion of his legal guilt or innocence; and it is certain that the public considered the bishops as instrumental in persuading the king to consent to Strafford's death. Usher had the misfortune not only to share in this imputation, but to be charged with having acted

thus in revenge for the part he had been obliged by Strafford to take in abrogating the articles of the Irish church. But the purity of the primate's moral character must place him, in the estimation of every candid man, far above the suspicion of such malignity; and it is besides certain that he continued to be on good terms with the earl during his stay in Ireland, and performed every friendly and pious office for him after his condemnation. Moreover, Dr. Parr has produced the king's own attestation to the primate's innocence as to the charge of contributing to Strafford's fate. He says, "When not long after it was told his Majesty at Oxford that the Archbishop of Armagh was dead [he had been dangerously ill], he spake to Colonel William Legge and Mr. Kirk, then of the bed-chamber (as they were since to his late Majesty), to this effect, viz.—That he was very sorry for his death; together with high expressions of his piety and merits: but one there present replied, That he believed it might be so, were it not for his persuading your Majesty to consent to the Earl of Strafford's execution. To which the

the king in a great passion returned, that it was false: For, said the king, after the bill was past, the archbishop came to me, saying, with tears in his eyes, Oh! Sir, what have you done? I fear that this act may prove a great trouble to your conscience, and pray God that your Majesty may never suffer by the signing of this bill—or words to that effect." Of this conversation both these gentlemen gave Dr. Parr certificates under their own hands, which he had to produce; and the testimony seems fully adequate to the primate's acquittal. It does, indeed, appear from Usher's own diary, that on the day after the fatal signature, he was sent by the king to Strafford to state the reasons of necessity which induced his Majesty to make the sacrifice, and to promise the royal favour to his family; an office which must have been very ungrateful to one who heartily disapproved the act: but perhaps the king, who was himself a skilful casuist, had convinced the primate of its lawfulness.

In the same year, 1641, the Irish rebellion, with its horrid circumstances of massacre and devastation, broke out; an event, the natural,

though deplorable, consequence of treating a half-barbarous people with all the injustice and indignity usually lavished upon a conquered nation, and refusing even to tolerate the religion to which they were devotedly attached. The primate, though out of the reach of personal injury, was a great sufferer on this occasion in his property, his country houses being pillaged, his cattle slaughtered or driven away, his rents seized, and nothing left to him in the island except the books and furniture in his house at Drogheda, which town resisted the arms of the rebels. His library was afterwards safely conveyed to Chester, and thence to London; a wreck of property on which he would set a scholar's value. For present support, however, he was obliged to sell his plate and jewels; but as his mind was not worldly, his tranquillity and pious resignation never deserted him under his pecuniary losses. He soon after obtained a regular provision by means of a grant from the king of the temporalities of the see of Carlisle, vacant by the death of Dr. Potter, to be held *in commendam;* and though its revenues were impaired by the

quartering

quartering of the English and Scotch armies on the borders, yet they sufficed, with other aids, to supply his moderate wants, till the seizure of the episcopal lands by the Long Parliament.

During this depressed state of his fortune, it is asserted by Dr. Bernard, in his funeral sermon, that the primate received an offer from the university of Leyden of the place of honorary professor, with a stipend larger than had hitherto been annexed to it; and also, about the same time, an invitation from Cardinal Richelieu to come to France, where he should enjoy an ample pension and freedom of religion. Dr. Parr acknowledges that he never heard the primate mention these circumstances; and Dr. Smith suspects that the anecdote of Cardinal Richelieu arose from the fact, that on the publication of Usher's book "De Primordiis Ecclesiarum Britannicarum," the cardinal sent him a present of a gold medal, accompanied by a very respectful letter; for which he made a return of some Irish greyhounds, and other rarities of the country*. The

* D'Alembert, in his "Eloges Academiques," mentions Richelieu's offer of a pension to Usher, but without citing his

The sword of civil war being now drawn, Usher took up his abode at Oxford, where he occupied the house of his friend Dr. Prideaux, bishop of Worcester. Besides his usual literary studies, he attended to his duty as a public instructor, generally preaching every Sunday in some of the churches to large auditories, whom he did not attract by the florid eloquence then in vogue, but by solid discourses, more weighty in matter than specious in language. The king soon after fixed his residence in that city, and Usher occasionally preached before him and gave him the sacrament. On one of these occasions, his Majesty, who had been calumniated with an inclination to popery, being on his knees preparatory to receiving the elements, stood up, and solemnly addressing the primate, made a public protestation of his intention to establish the protestant religion as it stood in its beauty in the days of queen Elizabeth, without any connivance of popery. These indications of the royal favour and esteem

his authority. He also speaks of the primate's present to the cardinal of greyhounds, as if it were a stroke of pleasantry or satire; a purpose which could never have entered the mind of such a man.

naturally

naturally confirmed the primate in his attachment to that cause; so that when he was nominated by the parliament, with some others of the episcopal clergy, to be a member of the assembly of divines sitting at Westminster in 1643, for the purpose of regulating affairs of religion, he not only refused to take a seat among them, but in his sermons controverted their authority, and decried their intentions. This conduct was regarded by the parliament as a high offence; and an order passed for confiscating his library, then deposited in Chelsea college. But through the interposition of Selden, Dr. Featly, who sat in the assembly, was permitted to redeem the books for a small sum, as if they were for his own use; and thus they were preserved for their owner, though not without the loss of some volumes, and some private papers and letters, which were surreptitiously withdrawn.

The king's necessities at this time obliging him to come to terms with the Irish catholics, Usher, as one of his counsellors, was constrained, apparently much against his will, to suspend his opposition to the indulgences

gences granted to this party, and acquiesce in what he could not prevent. In Prynne's History of the Trial and Condemnation of Archbishop Laud, the following attestation is given, the authenticity of which, I suppose, cannot be doubted:

"I, Sir Charles Coote, do hereby testifie, that being at Oxford the last summer as one of the agents for the protestants of Ireland, and finding the Irish popish agents then to be very prevalent there, and the Archbishop of Armagh to be often present at the debates concerning the business of Ireland, and conceiving him to have some power with his Majesty, I addressed myself to the said archbishop, and besought him that he would interpose his power with his Majesty in the behalf of the protestants; for if the Irish agents obtained their desires, the protestants in Ireland were destroyed, and popery would be introduced: to which the archbishop replied, That was the intention, which he knew better than I did; and said *We must submit.*" Dated April 14, 1645. CHARLES COOTE*.

* An eminent commander on the English party in Ireland.

Few,

The primate's forced compliance on this occasion is censured by Prynne with all his accustomed severity.

In 1644 Usher brought to a conclusion a learned labour in which he had been long engaged: this was, a corrected edition of the Epistles of Ignatius, bishop of Antioch, originally collected by Polycarp, and frequently cited by the ancient fathers, but transmitted in a state rendering it evident that they must have undergone many corruptions and interpolations. The primate, therefore, finding that there existed in England two manuscript ancient Latin versions of these epistles, undertook the critical task of correcting the Greek original by them, and detecting the spurious additions. The work, printed at Oxford, was thus entitled: *Polycarpi et Ignatii Epistolæ: una cum vetere interpretatione Latina, ex trium manuscriptorum codicum collatione integritati suæ restituta: Accedit et Ignatiarum Epistolarum versio antiqua alia, ex duobus manuscriptis in Anglia repertis nunc primum in lucem edita. Quibus præfixa est, non de Ignatii solum et Polycarpi scriptis, sed etiam de Apostolicis Constitutionibus*

bus Clementi Romano tributis, Jacobi Usserii Archiepiscopi Armachani Dissertatio. There were subjoined the primate's Annotations to these Epistles, and a comparison of the readings of the Greek copies with each other, and with the Latin versions; and some other epistles of later date were annexed: the whole forming a mass of erudition which was received with high applause by the learned world, and made a great addition to his reputation.

In the same year he had prepared for the press the Epistle of Barnabas, intending to annex it to those of Ignatius; but his copy was unfortunately destroyed by a fire at the printer's, with the exception of a few sheets containing the editor's *Premonition* concerning the age, author, and purpose of the epistle, which was afterwards inserted, though in a mutilated state, in Bishop Fell's edition of the same epistle, Oxford, 1685.

In 1645, the royal cause being on the decline, and Oxford threatened with a siege by the parliament's troops, the primate, with the king's permission, quitted that city, and accompanying the Prince of Wales to Bristol,

crossed

crossed from thence to Cardiff, of which place, his son-in-law, Sir Timothy Tyrrel, was governor for the king. He was received with every token of respect and affection; and the place being well garrisoned, he resided there in peace for almost a year, assiduously pursuing his studies with the aid of some chests of books which he brought with him. He was at this time engaged in the composition of his chronological Annals, in the first part of which he made a great progress. Here he had the affliction, rather than the gratification, of seeing his sovereign when he retired to Wales after the fatal battle of Naseby. As the king, in this emergency, found it necessary to unfurnish his garrisoned places of men and ammunition, Sir T. Tyrrel was obliged to quit his command at Cardiff; and the primate was thereby left to seek another refuge. While he was perplexed to come to a decision on this subject, he received a welcome invitation from the dowager Lady Stradling to take up his abode at her residence in the castle of St. Donate's, Glamorganshire. Before, however, he could remove thither with his daughter, the

the mountaineers of those parts had risen in arms to the number of some thousands, nominally for the king's service, but with the resolution of admitting no English garrisons into their country, nor obeying the orders of any English commander. As they had beset all the tract between Cardiff and St. Donate's, the primate and his train could not avoid falling in with a party of them on their road. By these stragglers they were conducted to the main body, who, finding them to be English, considered them as lawful objects of pillage. They rudely pulled the primate and his daughter from their horses, broke open their chests, and in an instant his books and papers, with other articles, were scattered into a thousand hands. Some officers, however, who were gentlemen of the county, coming up, were much ashamed of this inhospitable treatment, and caused restitution to be made of the horses, and as much of the baggage as could be found; but the books and papers were too much dispersed to be then recovered. They then respectfully conducted the travellers to the neighbouring house of Sir John Aubery,

where

where the primate was courteously received and lodged for the night. "But," says Dr. Parr, who was present, "I must confess that I never saw him so much troubled in my life; and those that were with him before myself said that he seemed not more sensibly concerned for all his losses in Ireland than for this; saying to his daughter, and those that endeavoured to comfort him, 'I know that it is God's hand, and I must endeavour to bear it patiently; though I have too much human frailty not to be extremely concerned; for I am touched in a very tender place, and he has thought fit to take from me at once all that I have been gathering together above these twenty years, and which I intended to publish for the advancement of learning, and the good of the church." The disaster, however, proved less grievous than he apprehended; for the neighbouring gentry and clergy exerted themselves so much in using their influence with the people, and issuing public notices at churches and other places of resort, that within two or three months all the primate's books and papers were restored to him, with the exception of a very

a very few. A lost manuscript which he most valued was an account of the Waldenses, which he had procured for a continuation of his History of Christian Churches.

His residence at St. Donate's was rendered agreeable, not only by the great kindness and respect with which he was treated by the lady of the mansion, but by the use of its library, furnished with the books and manuscripts collected by Sir Edward and Sir John Stradling, both distinguished antiquaries, and correspondents of the learned Camden. From these manuscripts the primate extracted many valuable notes relative to the ecclesiastical history of Wales, for the illustration of his Antiquities of the British Churches. During his abode here he was attacked with a painful and dangerous disorder, terminating in so profuse a hœmorrhage from the nose, that he was thought to be expiring; and a report of his death was generally circulated. It was on this occasion that king Charles gave the above-cited attestation to his conduct in the affair of Lord Strafford; and his friend Greaves, the Savilian professor of astronomy, (25) drew up a very encomiastic inscription

inscription for a monument to his memory. He, however, slowly recovered his strength, and continued in Wales nearly a year and a half in the whole, experiencing the high regard of the gentlemen of the country, several of whom, commiserating the reduced circumstances of a person so venerable from character and station, sent him, unknown to each other, considerable sums of money.

The ruin of the royal cause, and the offence he was conscious of having given to the prevailing party, now induced him to think of withdrawing to the continent; and with this intention, having obtained a passport from the Earl of Warwick, lord-admiral, he sent to enquire whether the parliament's vice-admiral would permit him to cross the Channel unmolested; when he received a rude refusal. Soon afterwards, a kind invitation was sent him by his good friend the Countess of Peterborough to take up his residence at her house in London. With this he gladly complied; and it is a circumstance highly honourable to both parties, that the primate was thenceforth, to the day of his death, an usual and most respected inmate in some one

one of this lady's mansions. He arrived at the metropolis in June 1646; and having given the requisite notice to the parliamentary committee, was summoned before a board of examiners at Westminster. Several captious questions were put to him, the principal scope of which was to discover whether he had any share in advising that a toleration should be granted to the Irish catholics; which he might probably deny with a safe conscience; for it appears as if he only submitted to what others had determined. It was next proposed to him to take what was termed the *negative oath*, required from all who had been adherents of the king, or had come from any of his garrisons: but for this he desired time for consideration. Through the influence of Selden and others of his friends in the parliament, he was no further troubled on the subject, but was allowed quietly to retire to Lady Peterborough's house at Ryegate, where he preached in the chapel or the parish church, and was much resorted to by the neighbouring gentry and clergy.

Whitelock, in his Memorials, reports about this

this time an order in parliament to pay the primate the sum of £400 per annum; and though Dr. Parr says, he cannot hear that this pension was paid above once or twice at most, yet I find in the Parliamentary Journals an order dated July 1649, for its continuance to the next October: hence it would appear that he was not so obnoxious as he supposed to the prevailing party. Indeed, his constant enmity to popery, his moderate notions of episcopacy, and his attachment to the calvinistic doctrines, seem always to have given him a degree of credit with the presbyterians*.

Early in the year 1647, the primate was elected preacher to the Society of Lincoln's Inn, of which he had been admitted a member in 1626. Dr. Parr intimates that he did not accept the post till after some solicitations; and Dr. Smith says (from what authority I

* A remarkable proof of the reputation he possessed with this party, appears in a letter addressed to him, in 1626, by the Rev. John Cotton, of Boston in New England, accompanying a discourse on the doctrine of atonement, and conceived in terms of the greatest respect and deference. —PARR's *Collection.*

do not find) that he with great difficulty obtained permission from the parliament to accept it. Mr. Hale, afterwards the celebrated lord chief justice, was at that time a bencher of Lincoln's Inn; and was probably a principal promoter of the election. The society provided him with handsome furnished lodgings, and with rooms for his books; and here he continued preaching in term-time for nearly eight years, when the failure of his sight, and the loss of his teeth, induced him to resign the office. Concerning the character of his sermons, Dr. Smith informs us, that, aided by long experience, and a memory readily recurring to all the articles and common-places of positive and practical theology, he delivered in easy and not inelegant language whatever his mind with no elaborate effort had conceived. His discourses at Lincoln's Inn therefore appear to have been chiefly extemporaneous; and there is no trace of any transcript of them among his manuscript remains.

In the mean time no intermission took place in the primate's literary labours. In 1647 his *Appendix Ignatiana* was printed, containing,

containing, 1. The genuine epistles of Ignatius, freed from interpolations, and elucidated by a new Latin version: 2. The martyrdom of Ignatius, described by various bystanders, now first published from two ancient Latin versions: 3. The epistles of Tiberianus, Pliny, and Trajan, relative to the constancy of the martyrs of those times: 4. The epistle of the church of Smyrna concerning the martyrdom of Polycarp, with an ancient Latin version: 5. Annotations on the Acts of Ignatius and Polycarp, and the epistles falsely ascribed to the former.

In the same year appeared his *Diatriba de Romanæ Ecclesiæ Symbolo Apostolico vetere, aliisque Fidei Formulis, tum ab Occidentalibus, tum ab Orientalibus, in prima Catechesi et Baptismo proponi solitis:* with an Appendix of different remains of ecclesiastical antiquity. This volume is dedicated to Gerard J. Vossius, who had anticipated him in a dissertation on the three creeds, but without touching on many of the points discussed by the primate.

Near the beginning of the following year he published a specimen of his profound

chronological researches, in a work entitled *Jacobi Usserii Armachani de Macedonum et Asianorum Anno Solari Dissertatio: cum Græcorum Astronomorum Parapegmate, ad Macedonici et Juliani Anni Rationes accommodato.* In this learned performance the author treats on the introduction of the Macedonian solar months into Greece, which had hitherto reckoned by lunar ones, and the comparison of both with the Julian, and with the months of other nations, and of the time of the martyrdom of St. Polycarp; and having then established the method of the whole Macedonian and Asian year, he gives canons for perpetually finding the cycles of the sun and moon, and the time for the celebration of Easter. Some curious observations on the celestial motions according to the old Greek astronomers are intermixed; and there is annexed an Ephemeris for the whole year, which seems to have been the first attempt in this country to frame a true astronomical calendar. The work was a remarkable display of the author's scientific as well as historical and philological knowledge.

In this year, 1648, the king being under confinement

confinement at Carisbrook castle, in the Isle of Wight, the presbyterian party, jealous of the rising power of the independents, procured a vote in parliament for a treaty with his Majesty; and as church-government was one of the points on which it was most difficult to come to an agreement, it was determined that, "for the information of the king's conscience," permission should be given to the following episcopal clergy to have access to him, viz. Archbishop Usher, and Doctors Bainbridge, Prideaux, Warner, Ferne, and Morley*. As the parliamentary commissioners insisted on the entire abolition of episcopacy, and the king himself had consented to its suspension for three years, Usher thought he could not better serve the cause of his church than by proposing a kind of compromise. He therefore renewed the proposition he had framed in 1641, under the title of "Episcopal and Presbyterial Government conjoined," and laid it before the commissioners. Its plan was, that there should be appointed suffragans, equal in number to the rural deaneries into which dioceses are di-

* Whitelock's *Memor.*

vided.

vided, who should hold monthly synods of all the rectors or incumbents within their districts: that diocesan synods should be held once or twice a year, consisting of the suffragans and rectors, or a select number of them, and presided over by a bishop or superintendant: and that there should be provincial synods every third year, consisting of all the bishops and suffragans, and other elected clergy, of which the primate of the province should be moderator. To this scheme the king gave his consent, conceiving it to be the only expedient for reconciling differences, and being satisfied that it retained the essence of episcopacy. The presbyterian clergy, also, though it was not all that they wished, approved it as the best they were likely to obtain*. The parliamentary commissioners, however, being bent upon the total abolition of episcopacy, would not agree to it; and the treaty soon after broke off without effect. It is observed by Dr. Parr, "that some of the church of England judged very hardly of this proposal of the archbishop's, as if it too much debased the episco-

* Baxter's *Life* by himself.

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pal order, and levelled it with that of presbyters:" and it is manifest that Dr. Smith is embarrassed to apologize for this act of the primate, and passes over the subject as lightly as he is able. Yet, perhaps, a moderate man of either church will rather applaud this good pastor for an attempt to unite in the bonds of christian communion two hostile parties, by an expedient which, as he thought, need not shock the prejudices of either. It is true, the agreement of the episcopalians in his plan supposed their admission of his principle, that bishops differed from presbyters in degree only, not in order. In correspondence with this opinion he was ready, according to Baxter, to admit the validity of presbyterian ordination. That eminent nonconformist, whose veracity I believe is undisputed, conversed familiarly with Usher, whom he terms "the most reverend, learned, humble, and pious primate of Ireland;" and relating a conversation between them on these topics, he says, "I asked him also his judgment about the validity of presbyter's ordination; which he asserted, and told me, that the king asked him at the Isle of Wight, wherever he found

found in antiquity that presbyters alone ordained any? and that he answered, I can shew your Majesty more, even where presbyters alone successively ordained bishops; and instanced in Hierom's words, *Epist. ad Evagrium*, of the presbyters of Alexandria chusing and making their own bishops from the days of Mark till Heraclius and Dionysius*."

This was the last interview the primate enjoyed with his beloved sovereign; and he only saw him again on the scaffold. Of his sensations at this sad spectacle Dr. Parr has given an affecting narrative from the relation of Mr. Tyrrel, Usher's grandson. He says, that on the fatal day, the primate being then at the house of Lady Peterborough, near Charing-Cross, from the leads of which Whitehall could be plainly seen, he was asked by the domestics if he would not go up and take a farewell view of the king. With reluctance he complied with the invitation; and beholding his Majesty on the scaffold, addressing the surrounding crowd, he stood silent, sighed, and lifting up his hands, and his eyes full of tears, seemed engaged in ear-

* Baxter's *Life*.

nest

nest prayer. But when the king had ceased speaking, and began to undress, and the masked executioners were putting up his hair to prepare him for the block, unable to endure the sight any longer, and chilled with horror, he turned pale, and would have fainted away had he not been supported by his servant. He was then led down and laid upon his bed, where abundant tears and prayers gave relief to the deep sorrow with which he was overwhelmed.

The great chronological work which had been the chief occupation of his literary labour for several years, was brought to such a state of completion, that in 1650 he published its first part under the title of *Annalium Pars Prior, a temporis historici principio, usque ad Maccabaicorum initia producta: una cum rerum Asiaticarum et Ægyptiarum Chronico.* This part, usually called *Annales Veteris Testamenti*, is a chronological digest of universal history from the creation to the time of the Maccabees, in which, by fixing the three epochs, of the deluge, the departure of the Israelites from Egypt, and the return of the Jews from captivity in the first year of Cyrus, he

he has established a harmony of sacred and prophane chronology. The second part of this work, entitled *Annalium Pars Posterior, in qua, præter Maccabaicam et Novi Testamenti Historiam, Imperii Romanorum Cæsarum sub C. Julio et Octaviano ortus, rerumque in Asia et Ægypto gestarum continetur Chronicon, ab Antiochi Epiphanis regni exordio, usque ad Imperii Vespasiani initia, atque extremum Templi et Reip. Judaicæ excidium deductum*, was printed in 1654. In this, the annals are brought down to the reign of Vespasian, and the destruction of the Jewish state. He had intended to have added an Ecclesiastical Chronicle to the beginning of the fourth century; but this he did not live to finish. The high reputation these Annals acquired in the learned world was testified by the foreign editions made of them, and the adoption of the author's system of chronology by subsequent writers.

A very slight notice of an invitation to the primate from the regent queen of France, Anne of Austria, appears in a letter of his to Dr. Arnold Boate, dated November 1651, printed in Parr's Collection. The whole is contained

contained in these words: "I have made known to the queen of France that there can be no possible expectation of my removing to those quarters."

About this time a keen controversy was maintained between Arnold Boate, and Louis Cappel, the learned author of "Critica Sacra," and a professor at Saumur, respecting the various readings in the text of the Hebrew bible, and its correction by means of the Septuagint; and each party appealing to Usher as an arbiter, he was induced, especially by the importunity of Cappel, to give his decision in a publication entitled *Epistola ad Lodovicum Capellum de textus Hebraici variantibus lectionibus*, 1652. If in this epistle he might be thought not fully to have replied to Cappel's arguments, or established his own conjectures, he is allowed to have accumulated much curious and valuable erudition concerning the Greek Septuagint and the Samaritan Pentateuch.

Cromwell had now usurped the supreme power; and though he obtained it by crime, he displayed both wisdom and moderation

* A blank is left here in the original.

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in the exercise of it. In particular, he shewed himself superior to the religious bigotry which at that time pervaded almost every sect; and was, as far as policy would suffer him to be, the friend of toleration. He had conferred favours on several of the episcopal clergy; and he requested a conference with Usher, whose venerable character and high literary reputation could not fail of attracting his notice. The primate, after some hesitation, thought it best to comply. The subject of their conversation was some plan which Cromwell had formed for promoting the general interest of protestants both at home and abroad. But Dr. Parr takes for granted that he was too much an enthusiast to receive advice from such a man as Usher, and says, that after a great deal of canting, he was civilly dismissed. That writer seems also unwilling to believe what is asserted by Dr. Bernard, formerly the primate's chaplain, and then Cromwell's, that a pension was settled on him out of the money arising from deodands. He relates, however, upon the primate's own information, that Cromwell promised him a lease for twenty-one years of

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part of the lands belonging to the archbishopric of Armagh, which he did not refuse to accept, regarding them as in justice his own, and wishing to make some provision for his daughter and many grand-children, for whom he had as yet been able to do nothing. The grant, however, never actually passed during the primate's life; and after his death was refused to his daughter and son-in-law on the pretext of *malignancy*.

In the latter part of 1654, Usher's old and steadfast friend Selden died; and it was with great propriety that he was selected by the executors of that eminent person, as his associate in learned pursuits, and nearly his equal in literary fame, to be the preacher of his funeral sermon. He complied with their request, and delivered his discourse at the Temple church before a splendid and numerous audience. He made the eulogy of the deceased in terms adequate to his merit; and did not scruple to humiliate himself in the comparison, by saying that "he himself was scarce worthy to carry his books after him." This was the last of his public pulpit services.

About this time he finished for the press his

his work *De Græca Septuaginta Interpretum Versione Syntagma: cum Libri Estheræ Editione Origenica, et vetere Græca altera, ex Arundelliana Bibliotheca nunc primum in lucem producta.* In this work, printed in 1655, he advanced certain peculiar notions of his own, which have appeared to critics rather ingenious than solid. Concurring with the whole Jewish school in the opinion that the five first books of Moses alone were rendered, and with great accuracy, by the Greek interpreters, he supposes that this original version, deposited in the Alexandrian library, perished by fire; and that the translation substituted to it, which was received by the Hellenistic Jews, and was from them derived to the primitive christian church, and which contained the rest of the Old Testament, was the work of some obscure Jew in the reign of Ptolemy Philometor, who altered and interpolated the text at his pleasure; and that hence proceed all the variances between the Hebrew and Greek copies. Further, that the Jewish priests and Levites, then residing in Egypt, and officiating in the new temple of Onias, adopted, without examination,

tion, this corrupt version, and introduced it to public use. These notions were animadverted upon by Henry Valesius, in an epistle to Usher subjoined to his Annotations on Eusebius; in which, however, he does justice to the primate's erudition and ingenuity.

The various conspiracies which were formed against the life and government of Cromwell had so exasperated the mind of that usurper against the royalists, among whom he knew that all the episcopalians were to be numbered, that setting aside his own principle of toleration, he issued, in January 1655, a *declaration*, prohibiting, under severe penalties, any clergyman of that communion from teaching school, either public or private, or performing any part of his ministerial functions. This grievous tyranny induced some of the most considerable of the sufferers to apply to Usher, as one supposed to enjoy the esteem and regard of the Protector, for his intercession; and he accordingly waited on Cromwell for that purpose. His mediation at first seemed so far successful, that he obtained a promise that the episcopal clergy should not be molested, provided they did not

not meddle with matters relating to government. The primate went a second time in order to get this promise confirmed and put into writing; when he found the Protector under the hands of his surgeon, who was dressing a boil on his breast. The dialogue that ensued was remarkable, Cromwell addressing him said, "If this core (pointing to the boil) were once out, I should quickly be well." "I fear," replied Usher, "the core lies deeper: there is a core at the heart that must be taken out, or else it will not be well." "Ah!" returned the unhappy great man, "so there is indeed!" and though he spoke with an unconcerned air, a sigh followed his words. When the primate, however, introduced the business on which he came, Cromwell told him, that having more maturely considered it with his council, he was advised against granting any indulgence to men who were restless and implacable enemies to his person and government; and thus dismissed him with civility and good words. The venerable delegate returned to his lodgings, deeply lamenting the ill success of his endeavours, and complaining that he had been deceived

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by this false man, whose speedy fall, and the return of the king, he predicted, adding that he should not himself live to see it.

He soon after retired to Ryegate, where he occupied himself in the completion of his *Chronologia Sacra*. His body and mind were both sufficiently vigorous for his years; but his sight was so far decayed by unremitting study, that he found it difficult to use his pen except in a strong light. He now probably felt some internal admonitions of an approaching change; for the following note was found written in his almanac opposite to his birth-day in 1655-6: "Now aged seventy-five years: *My days are full:*" and after a small interval, in capital letters, the word RESIGNATION. It was, however, an acute disease that brought his life to a close. On the 20th of March he was attacked with a disorder, the nature of which appears to have been at first mistaken, but which proved to be a pleuritic inflammation; and after several hours of acute pain, his strength was so much reduced, that it was manifest he had not long to live. He prepared for the awful termination like one to whom the thought of death

was familiar; and having taken leave of his noble hostess, the Countess of Peterborough, with due expressions of gratitude for her long kindness, he desired that he might be left to his private devotions. The last words he was heard to utter were, "O Lord, forgive me; especially my sins of omission!" Such had been the purity of his morals, that no other delinquencies probably dwelt on his conscience. Presently after, he expired, on March 21, 1655-6, having completed his seventy-fifth year nearly three months.

It was the intention of his friends to inter him at Ryegate, Lady Peterborough offering her family vault for that purpose; but Cromwell, who seems to have had a passion for shewing honour to the remains of the illustrious dead, and probably expected to acquire credit with different parties by tokens of respect to the memory of a person so generally admired and revered, sent an order that his body should be brought for burial in Westminster abbey, with the ceremony of a public funeral. The preparations for this solemnity were not completed till the 17th of April, when the corpse, on its approach

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to London, was met by the carriages of most of the persons of rank then in town. From Somerset-House to the abbey it was attended in procession by all the clergy, and a great concourse of people. The funeral sermon was preached by Dr. Nicholas Bernard, the primate's former chaplain, upon the appropriate text, "And Samuel died, and all Israel were gathered together, and lamented him, and buried him:" after which the body was deposited in St. Erasmus's chapel, with burial rites according to the service of the church of England, and many tears testified the regrets of the assistants. Few men, indeed, in such a time of division, have descended to their graves in the possession of more general respect and attachment.

Primate Usher was in person moderately tall and well shaped, with an erect carriage to the last; of a sanguine complexion, and features expressing gravity and benevolence combined. His constitution was firm, and enabled him to bear uninjured his early hours of study, and the various fatigues of a life both active and contemplative. His mode of living was simple; his manners were free and affable, void

of all pomp and affectation; his temper was remarkably sweet and placable, though he could rebuke with severity when he thought the occasion required it. Among his numerous eulogists no one, perhaps, has estimated him more correctly than Bishop Burnet, who, in his "Life of Bishop Bedell," mentions the primate in the following terms:

"Together with his great and vast learning, no man had a better soul and a more apostolic mind. In his conversation he expressed the true simplicity of a christian; for passion, pride, self-will, or the love of the world, seemed not to be so much as in his nature; so that he had all the innocence of the dove in him. He had a way of gaining people's hearts and of touching their consciences that looked like somewhat of the apostolic age revived. He spent much of his time in those two best exercises, secret prayer, and dealing with other people's consciences, either in his sermons or private discourses; and what remained he dedicated to his studies, in which those many volumes that came from him shewed a most amazing diligence and exactness, joined with great judgment;

judgment; so that he was certainly one of the greatest and best men that the age, or perhaps the world, has produced. But no man is entirely perfect: he was not made for the governing part of his function. He had too gentle a soul to manage that rough work of reforming abuses, and therefore left things as he found them."

With respect to the concluding part of this portraiture, it may be observed, that the incidents of the primate's public life, as given in the foregoing narration, seem to exhibit no want of vigour in performing the duties of his office, though, indeed, somewhat of a timid and complying disposition may be discerned in his conduct respecting the Irish articles. But Burnet's censure was doubtless founded on the circumstances which had occurred to him in writing the Life of Bedell. This prelate, one of the most exemplary men of his order that ever existed, had been recommended by Usher to Archbishop Abbot for the provostship of Dublin college, which office he filled till his promotion to the bishopric of Kilmore. As soon as he had taken possession of his see, he engaged with great

great earnestness in the correction of the abuses with which he found it over-run; and perceiving the ecclesiastical courts to be one great source of these abuses, he resolved to hold them in person, and was thereby involved in a dispute with his chancellor. Usher being his metropolitan, both parties appealed to him on the occasion; and several letters between these two prelates are printed in Parr's Collection, which cannot be read without some pain, to observe these excellent men, who had a sincere esteem for each other, resorting to mutual charges and recriminations. Bedell, in one of his letters, after defending himself against the misrepresentations of his chancellor, says, "Trust me, my Lord, I have heard that it is said among great personages here, that, My lord primate is a good man, but his court is as corrupt as others, some say, worse;" and adds, "of your late visitation they see no profit, but the taking of money." The reply to this, perhaps too plain-speaking, letter, manifests a degree of irritation; but the primate's kind temper appears from the conclusion, in which he subscribes himself "your most assured loving friend

friend and brother (notwithstanding any unkind passages which may have slip'd from me in this letter):" nor does this slight altercation seem to have impaired the regard which they entertained for each other. Bedell, however, it must be acknowledged, came nearer to what Burnet would consider as a model of the episcopal character, than Usher. *He* performed the most arduous parts of his duty with unremitting vigour and assiduity, never deserted his flock, and died in his charge; in the hands of enemies to his faith, whom the sanctity of his manners awed into reverence. The primate, on the other hand, by his frequent absences from the scene of his principal duties, in some measure made the metropolitan give way to the man of letters; and perhaps in this chiefly consisted those *sins of omission* which appear to have dwelt on his mind at the close of life.

It has already been remarked, that his hazarded application of a passage from the Jewish prophetic writings to his own times and country, when a young man, seemed to denote a mind somewhat disposed to enthusiasm; and its singular coincidence with the event

event of the popish rebellion may be supposed to have added force to this bias. The tragic scenes and violent changes which he lived to witness, naturally augmented a propensity to gloomy forebodings; and he was accustomed to speak with considerable confidence of approaching calamities, of which, an expected temporary triumph of popery was that which most haunted his imagination. He did not, however, conceive himself to be inspired with a real spirit of prophecy, but founded his predictions on interpretations of scripture. Baxter, relating in his Life a conversation with the primate, says, "I had heard of his prediction that popery would be restored again in England for a short time, and then fall for ever; and asking him of it, he pretended to me no prophetical revelation for it to himself, but only his judgment of the sense of the Apocalypse." If, however, credit were due to a manuscript in the Musæum Thoresbianum, entitled "The Predictions of that learned and holy Man, Bishop Usher," there were seasons in which he seemed to think himself warranted to speak of future events in a higher tone of

authority

authority than as a mere conjecturer. The narrator (as quoted in the Biographia Britannica) thus describes the mannner in which the primate, in the last year of his life, introduced one of those awful premonitions concerning the calamities that were to fall upon the protestant churches: "Turning to me, and fixing his eyes with that ireful look which he used to have when he spake God's words and not his own, and the power of God to constrain him to do so [he said], Fool not yourself with such hopes; for I tell you, all that you have yet seen have been but the beginning of sorrows to what is yet to come upon the protestant churches of Christ," &c. There is also annexed an answer from Lady Tyrrel to an enquiry concerning her father's predictions, in which she confirms the fact of his frequently foretelling approaching calamities, and even adds the circumstance of his telling her "that London would in a short time be burnt to a cinder." But of the authenticity of this letter, and the authority of the whole narrative, I have met with no other evidence than their being quoted in the publication

publication above referred to*. It only seems ascertained, that a vague notion of the primate's being endowed with a prophetic spirit, to which his discourse occasionally gave some countenance, was popularly current.

It had been Usher's intention to bequeath his valuable library, consisting of nearly ten thousand books and manuscripts, to Dublin college, as a token of his affection to his *Alma Mater*; but the disasters of the times having nearly stripped him of all other property, he thought it his duty to make this the portion of his daughter, who had hitherto received nothing from him, and was the mother of a large family. For this collection both the king of Denmark and Cardinal Mazarin were bidders; but the Protector forbade the disposal of it without his consent,

* I have indeed seen a small publication, dated London 1678, and entitled "Predictions of the holy, learned, and excellent James Usher, late Archbishop of Armagh and Primate of Ireland; written by the person who had it from this excellent person's own mouth, &c." which contains the passage quoted in the Biographia, but not the letter from Lady Tyrrel. It has, however, all the appearance of a vulgar catchpenny.

conceiving

conceiving that it would be a disgrace to his administration to permit such a literary treasure to be sent out of the kingdom. Probably through his private suggestion, the officers and soldiers of the victorious army in Ireland, emulating the generosity of their military predecessors in queen Elizabeth's reign, became the purchasers for the sum of £2200 (said to be less than had been offered from abroad), with the purpose of presenting it to the body for which it had been originally destined. When, however, the books arrived in Ireland, a project was adopted of keeping them apart, as the library of a new college or hall which there was an intention of founding at Dublin; and in the mean time they were lodged in the castle. There they lay, subjected to various depredations, till the Restoration, when Charles II. bestowed them upon Dublin college, of the library of which they still constitute a very conspicuous part.

Of Usher's theological opinions incidental mention has frequently been made in the narrative of his life; but as the question how far he concurred with the church of England in some material points of doctrine was once warmly

warmly agitated, and may still excite some interest, I shall subjoin a statement of it, extracted from Dr. Parr's Appendix to his Life of the primate, intended as a vindication of him from the aspersions of Dr. Peter Heylin. This zealous champion of the doctrines and principles of the established church in their most rigorous acceptation, in a pamphlet entitled "Respondet Petrus," charged the primate with non-conformity under the following heads:

1. The divine authority for keeping the Sabbath, or seventh-day's rest, as transferred to the christian Sunday. This the primate strongly asserted in two letters published after his death by Dr. Bernard, in one of which he severely animadverted upon Heylin's work on the Sabbath. It is to be observed, that Heylin was one of those divines who concurred with Laud in approximating the English church in rites and discipline as nearly as possible to the Romish; and that he had written in defence of the noted "Book of Sports;" and was therefore disposed to regard as puritanical every injunction for a sabbatical observance of the Sunday. Parr's defence

defence of the primate in this point turns chiefly upon showing the conformity of his opinion with the doctrine of the homilies of the church of England.

2. His opinion that bishops and presbyters differ in degree only, not in order; and, as an inference, that presbyterian ordination and sacraments are valid. Of the offence this avowed opinion of the primate's gave to the high episcopalians, notice has already been taken; and although he endeavoured in some measure to make amends by arguing for the antiquity and apostolical appointment of bishops, yet his apologist is obliged to admit the main fact; which, indeed, he confirms by some quotations from the primate's note-book. One of these, however, is introduced with the following declaration: "Holding as I do, that a bishop hath superiority in degree above presbyters, you may easily judge that the ordination made by such presbyters as have severed themselves from their bishops cannot possibly by me be excused from being schismatical." This may be regarded as a condemnation of the *English separatists;* but with respect to the foreign calvinist

calvinist churches, which had separated only from popery, he was known to hold them in high esteem, and greatly to disapprove that bigotry which would exclude them from the list of authentic christian communities, on account of their form of government. And if this extension of liberality be a stain on his memory, it is indelible.

3. His limitation to the elect, of that universal redemption of mankind by the sufferings and death of Christ, which is the doctrine of the church of England. The theological system of Usher was certainly calvinistic; the validity of this charge must therefore be determined by the issue of the controversy still, I believe, subsisting, whether such of the articles of the English church as relate to these points are to be understood in a calvinistic or an arminian sense. Dr. Smith, it is to be remarked, asserts from the signed testimony of Doctors Bryan Walton, Peter Gunning, and Herbert Thorndike, that Usher had considerably changed his sentiments concerning the doctrines of calvinism before his death; and though such changes in eminent men have often been lightly credited by those who

who have wished to believe them real, it cannot be doubted that such a tenet as that of absolute reprobation would be gladly resigned by one of the primate's temper.

4. The primate is accused by Heylin of not holding the doctrine of the *true and real presence* of Christ's body and blood in the sacrament of the eucharist, conformably to the church of England. At such a charge from a protestant divine many readers will probably be startled; nor will they perhaps readily comprehend, from Heylin's statement, in what this doctrine, held, it seems, in explicit terms, by Bishops Bilson, Morton, and Andrews*, differs essentially from the consubstantiation of the Lutheran, and the transubstantiation of the Romish church. I can scarcely suppose that any modern divine of the church of England would choose to go further than the primate, who makes a distinction between the outward and inward act of the communicant: "in the first of which he really receives the visible elements

* Andrews, in his Apology to Bellarmine, makes this declaration: "Præsentiam credimus non minus quam vos veram; de modo præsentiæ nil temere definimus."

of

of bread and wine; in the second, by faith, really receives the body and blood of our Lord, that is, is truly and indeed made partaker of Christ crucified to the spiritual strengthening of the inward man"—"which," says Heylin, "is no more than any calvinist will stick to say."

5. The next charge is, that he did not admit of the power of the priest to forgive sins, in the sense of the church of England. Heylin labours to shew that the church means to assert an *authoritative* power in the priest to remit sins; whereas the primate's opinion seems to have been, that the priest's absolution is only *declarative*, or on condition of repentance; or else *optative*, by the way of prayers and intercession. Dr. Parr endeavours to refute this accusation, by shewing that the doctrine of the church is really that held by the primate; and he adduces Hooker's authority for a similar explanation of it.

6. His opinion concerning Christ's descent into hell is alledged to have deviated from that of the church, inasmuch as he did not admit of a local descent into the real hell, or place of punishment for the wicked, but a mere

mere separation between the body and soul during the time that Christ lay in the grave.

Such are the points in which Usher's theological system differed from that of the church of England, as the doctrines of the latter are held by some of those who have been its most strenuous advocates. How far his orthodoxy as a prelate of that church is impeached by these differences, or to what class of christians he made the nearest approach, I do not take upon myself to determine; but it may be presumed that such a man would not be disavowed as a brother by any member of that communion to which he always visibly adhered, who could be satisfied with agreement in the essentials of religion, without requiring exact conformity in every doubtful tenet.

As a man of learning, in which capacity the name of Usher became celebrated throughout Europe, and is especially known to modern times, his principal services to the cause of literature were in the departments of ecclesiastical history and chronology, which, indeed, in his writings go hand in hand. His chronological system, as exhibited at length in his Annals, has been adopted by many

eminent writers; both near his own age, and down to modern times. Of the former are enumerated Prideaux, Bossuet, Calmet, and Rollin; of the latter, the writers of the Universal History, and Dr. John Blair. In the preface to the Chronological Tables of the ancient part of the Universal History, Usher is mentioned in the following terms:— "Amongst all who laboured in the construction of this pile [chronology], and in marking the proper place where every material of consequence is to be laid, the celebrated Dr. James Usher, primate of Ireland, and, by his life and writings, an honour to our country, claims the first place. He was a man of the most extensive learning, who understood every branch which he professed to the very bottom. He had great quickness and penetration, joined to a very uncommon sagacity, and to a most indefatigable application. His chronology, so far as it goes, has been esteemed the most accurate that was ever formed upon the order observed in the Hebrew copies of the scripture." The writers proceed to say, that although they at first followed the Samaritan chronology, they have

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at length adopted the Hebrew; and thus, for the most part, coincide with that of the primate.

Such a deference to the authority of a writer by persons engaged in similar studies, is a more weighty testimony to his merit, than those complimentary eulogies which learned men are so ready to bestow on each other, often, perhaps, with the expectation of being repaid in kind; but were any of these requisite to prove the high character he bore among his contemporaries, it would be easy to transcribe the pages of *elogia et testimonia* annexed to his Life by Dr. Smith, and in which the names appear of almost all the eminent scholars in his own country, and many of those on the continent. Among the latter it will suffice to mention those of Grotius, Cardinal Noris, Hen. Valesius, Gerard and Isaac Vossius, and Fred. Spanheim.

The works published by Usher during his life have been noticed in the course of the preceding narrative. It remains to speak of some which made their appearance under his name after his death.

Not long after the primate's decease, Dr.

Nicholas Bernard, who has been already mentioned, published a volume of Tracts, entitled *The Judgment of the late Archbishop of Armagh and Primate of Ireland*, 1. *Of the extent of Christ's death and satisfaction:* 2. *Of the Sabbath, and observation of the Lord's-day:* 3. *Of the ordination in other Reformed Churches. With a vindication of him from a pretended change of opinion in the first of these points.* London 1657. As the opinions maintained in these pieces were some of those in which Usher most coincided with the presbyterians, it was by no means agreeable to his admirers among the high episcopalians that they should be thus brought forward at a period when the former were triumphant; and Dr. Smith accuses Bernard, who added his own explanations, of an intention to court the predominant sect by this collection. The publication certainly urged Heylin to the attack upon the primate's orthodoxy above referred to, as he was treated with asperity in some of the letters on the Sabbath.

Dr. Smith also wishes that Bernard had refrained from printing another posthumous work of Usher's, which was *His Judgment and*

and Sense of the State of the present See of Rome from Apocalypse, xviii. 4. in which he attempts to prove it to be the Babylon of the Revelations. It is well known that the corruptions of the church of Rome have always appeared in a much more heinous light to some of the separatists from her than to others; and that while the former have lavished upon her the titles of Antichrist, Babylon, &c. the latter have not hesitated to avow that they felt for her some of the kindness of a relation.

In the preface to the second book of his Annals he had promised, should his life be spared, to publish a second Chronology as a kind of basis of the Annals, showing the grounds and calculations of their principal epochs, and serving as a guide to the study of sacred history. In this work he was assiduously employed when he was seized with his last illness; and it was so far advanced, that it was brought to the press at Oxford in 1660, by Dr. Thomas Barlow, provost of Queen's college, and afterwards bishop of Lincoln, under the following title, the pedantry of which was probably owing to the editor:

editor: *Chronologia Sacra, seu Annorum et παιδοποιίας Patriarcharum παροικίας Israelitarum in Ægypto, Annorum etiam Judicum, Regum Judæ et Israelis ἀποδείξις Chronologica.* This is accounted a very useful performance, and a valuable addition to the primate's chronological labours. He had intended to have added to it a tract on the primitive year and calendar of the ancient Hebrews, but did not live to put his design into execution.

At a later period, more of the primate's learned labours saw the light, which had been procured from his heirs by Archbishop Sancroft, who employed his chaplain, Dr. Hen. Wharton, to prepare them for publication. These were, *Historia Dogmatica Controversiæ inter Orthodoxos et Pontificios de Scripturis et Sacris vernaculis. Accessere ejusdem Dissertationes duæ, de Pseudo-Dionysii scriptis, et de Epistola ad Laodicenos.* Lond. 1690. In the first and principal of these pieces the author deduces, from the Jewish history before Christ, through all the ages of christianity down to the year 1520, an historical account, extracted from the Greek and Latin fathers and other writers, the decrees of councils,

councils, popes, emperors, kings, &c. of the means used to disseminate the knowledge of the scriptures by public worship, and translations into different vernacular languages, with a relation of some of the persecutions, especially in England, by which it was attempted to prevent the diffusion of such knowledge.

Certain other theological works, published after his decease from manuscripts which had passed from hand to hand, attested the popularity of his name, but do not require particular notice. His indefatigable industry and extensive research were further proved by a treasure of papers which he left, upon learned topics, historical, chronological, and critical, as well of his own composition, as transcripts and collections from writers whom he had consulted. From these Sir Matthew Hale, who borrowed them, compiled four manuscript volumes, which he entitled *Chronological Remembrances extracted out of the Notes of Bishop Usher*, and bequeathed, with his other manuscripts, to the society of Lincoln's Inn.

Among the remains of the primate was a large

large collection of letters in correspondence with a number of persons, both English and foreigners. Many of these related only to matters of business in which he was engaged in consequence of the office he bore; but many others had a reference to his literary labours, and were written to, or received from, characters of distinction in the learned world, both native and foreign. His chaplain and biographer, Dr. Parr, into whose possession they came, published, together with his Life, *A Collection of Three Hundred Letters* between the primate and about sixty persons, who are enumerated in the title-page. Among these are some valuable documents respecting the incidents of Usher's life, which have been occasionally employed in the foregoing narrative. There are likewise, in the letters of his correspondents, various anecdotes relative to the literary and civil transactions of the times, some of which I shall extract for the entertainment of the reader.

One of his most frequent and intimate correspondents was Dr. *Samuel Ward*, president of Sidney-college, Cambridge, and Margaret reader of divinity lectures, in which he appears

pears to have been a strenuous maintainer of the calvinistic doctrines. His letters are generally upon theological topics, intermixed with academical intelligence. An account which he gives of some historical lectures at Cambridge presents a curious and instructive view of the jealousy that then prevailed concerning free sentiments in politics. Lord Brook having intended to found a lecture on history in that university, Vossius was invited from Leyden to deliver it; and upon his declining the office, Dorislaus, a doctor in civil law*, came over in 1628 from the same place for the purpose, and was sent by Lord Brook to Cambridge, with letters from the king to the vice-chancellor. Ward says, "He read some two or three lectures, beginning with Cornelius Tacitus; where his author mentioning the conversion of the state of Rome from government by kings to government by consuls at the suggestion of Junius Brutus, he took occasion to discourse of the power of

* The same person who, being afterwards appointed assistant to the court which tried the king, and then sent envoy to Holland by the parliament, was assassinated at the Hague by some royalists, followers of Montrose.

the

the people under the kings, and afterwards; when he touched upon the excesses of Tarquinius Superbus, his infringing of the liberties of the people, which they enjoyed under former kings; and so, among many other things, descended to the vindicating of the Netherlands for retaining their liberties against the violences of Spain. In conclusion, he was conceived of by some to speak too much for the defence of the liberties of the people; though he spake with great moderation, and with an exception of such monarchies as ours, *where the people had surrendered their right to the king*, as that in truth there could be no exception taken against him; yet the master of Peter-house complained to the vice-chancellor, master of Christ's-college; and complaint was also made above, and it came to his Majesty's ear; which we having intelligence of, Dr. Dorislaw desired to come and clear himself before the heads, and carried himself so ingenuously that he gave satisfaction to all; whereupon letters were written to his patron, to the Bishop of Durham, and others, to signify so much. But he going to his patron first, he suppressed the letters, and said

said he would see an accuser before any excuse should be made. After, word came from the Bishop of Winchester, then Durham, in his Majesty's name, to prohibit the history-reader to read. But after that, both his Majesty and the bishop, and all others above and here, were satisfied; but then his patron kept off, and doth to this day, and will allow his reader the stipend for his time; but we fear we shall lose the lecture."

It is a happy circumstance that the modern historical lectures in our universities have been founded under such auspices that no jealous restraints upon a liberal assertion of popular rights can now be apprehended.

A very singular literary anecdote is given in one of Dr. Ward's letters, dated June 1626: "There was the last week a cod-fish brought from Colchester to our market (Cambridge) to be sold; in the cutting up of which, there was found in the maw of the fish a thing which was hard; which proved to be a book of a large 16mo. which had been bound in parchment: the leaves were glewed together with a gelly, and being taken out, did smell much at the first; but after washing of it,

Mr.

Mr. Mead did look into it. It was printed, and he found a table of the contents, The book was entitled *A Preparation to the Cross* (it may be a special admonition to us at Cambridge). Mr. Mead, upon Saturday, read to me the heads of the chapters, which I very well liked of. Now it is found to have been made by Rich. Tracy, of whom Bale maketh mention. He is said to flourish then, 1550; but I think the book was made in king Henry the Eighth's time, when the six articles were on foot. The book will be printed here shortly."

The primate in his answer observes upon this matter, "The accident is not lightly to be passed over, which, I fear me, bringeth with it too true a prophecy of the state to come." Thus superstitious apprehensions may lay hold on minds the most enlightened by knowledge!

Several letters appear from *Sir Henry Bourgchier** (so he writes his name), which contain

* Sir Henry was son of Sir George Bourchier, Knight, general of the English army sent into Munster in 1580, who was third son of the second John Earl of Bathe. Sir Henry succeeded to the earldom of Bathe in 1636, married Rachel,

contain an agreeable mixture of literary and political information, and give an advantageous idea of the writer's accomplishments. In one of these, dated December 1617, a curious anecdote is given of the theological zeal of his Majesty king James. He says, "About a fortnight since, the heads and others of the university of Cambridge were summoned to appear before his Majesty at Newmarket, where, at their coming, they were required to deliver their opinions concerning Mr. Barneveldt's confession, lately sent over to the king; to which, as I am informed, many of them did subscribe, and principally Dr. Richardson, the king's professor, for which he either hath already, or is in some danger of losing his place." A king holding an inquisition into the faith of the Cambridge doctors at Newmarket, afforded a spectacle which that reign alone could present.

In a letter of Sir Henry's, dated April 1622,

Rachel, daughter of Francis Earl of Westmorland, died in 1654, and was buried at Tawestock, com. Devon. His mother was Martha, daughter of William Lord Howard, of Effingham.—DUGDALE's *Baronage*.

there

there is a hint given to his correspondent of the excess of his zeal against the papists. "I hear," says he, "much murmurings among the papists here against some new persecutions (you know their phrase) lately raised in Ireland, and particularly against some courses of your lordship's in the diocese of Meath, as namely, in the case of clandestine christenings, &c. beyond all others of your rank." Truly, it required no great share of prophetic sagacity in one who, like Usher, was conscious of using the arm of power with so much rigour against a prevailing party, to predict future calamities from the retributive vengeance of that party.

A letter from the primate to an unnamed Right Honourable, dated January 1628, gives him the information, that "the famous library of Giacomo Barocci, a gentleman of Venice, consisting of 242 Greek manuscript volumes, is now brought into England by Mr. Fetherstone, the stationer;" and urges him to use his influence that they may be purchased for the king's library. But we find Sir Henry Bourchier, in the following April, acquainting Usher that this collection had

had been bought by the Earl of Pembroke, at the price of £700, for the university library of Oxford. "Dr. Lindsell," says he, "now dean of Litchfield, tells me that it is a great treasure, far exceeding the catalogue. He likewise tells me that there are a great number of excellent tracts of the Greek fathers, never yet published; besides divers ancient historians and geographers; and particularly that there is as much of Chrysostom as will make a volume equal to any of those published by Sir Hen. Savil." This literary anecdote seems worthy of preservation.

A single letter in the collection from the venerable *Camden*, dated July 1618, from his retirement at Chiselhurst, contains some interesting information concerning that learned antiquary. It is in answer to one which mentioned a calumny cast on him, as being secretly inclined to popery. He says, "I thank God my life has been such among men, as I am neither ashamed to live, nor fear to die, being secure in Christ my saviour, in whose true religion I was born and bred in the time of king Edward VI. and have continued firm therein. And to make you my confessor

confessor *sub sigillo confessionis*, I took my oath thereunto at my matriculation in the university of Oxon (when popery was predominant); and for defending the religion established, I lost a fellowship in All-Souls, as Sir Samuel Dun could testifie, and often would relate how I was there opposed by the popish faction. At my coming to Westminster I took the like oath, where *(absit jactantia)* God so blessed my labours, that the now bishops of London, Durham, and St. Asaph, to say nothing of persons employed now in eminent place abroad, and many of special note at home of all degrees, do acknowledge themselves to have been my scholars. Yea, I brought there to church divers gentlemen of Ireland, as Walshes, Nugents, O'Railly, Shees, the eldest son of the Archbishop of Cassiles, Peter Lombard, a merchant's son of Waterford, a youth of admirable docility, and others bred popishly and so affected."

No letters in the collection will probably be read with more interest than those between the primate and *Bedell*. The earliest from this last excellent person are written whilst he

he was provost of Dublin college, and contain many complaints of the opposition he met with in bringing its affairs into order, and enforcing proper discipline. He frequently, and with all the marks of sincerity, expresses his wishes to be removed from a post in which he found himself able to do much less good than he had hoped, and than was expected from him. "I have seen it written from thence," says he, "that you and other wise men account me a weak man; and in truth I do know myself so to be. Do not the college that wrong to clog it with me: hithertoot hath received no great damage, and these new broils may serve fitly as a new occasion to cover my defectiveness. —The arts of dutiful obedience, and just ruling also in part, I did seventeen years endeavour to learn, under that good father Dr. Chadderton, in a well-tempered society: the cunning tricks of packing, siding, bandying, and skirmishing, with and between great men, I confess myself ignorant in, and am now, I fear, too old to be taught." The other letters in this correspondence relate to the period in which Bedell was bishop of

Kilmore, when he experienced no less opposition than at the college, in his plans of reform, and the performance of what he thought his duty. The misunderstanding between him and his much-respected metropolitan and kind patron on this occasion, has already been adverted to, and doubtless was a source of much uneasiness to him. In several well-written letters Bedell justifies his conduct; and the concluding one, dated in September 1630, after a personal interview, expresses the most cordial satisfaction at the tokens he had received of the primate's renewed regard. If the differences between good men are painful to witness, their reconciliations, which seldom fail to succeed after due explanation, afford the purest pleasure.

A letter to Usher from that eminent antiquary *Sir Henry Spelman*, dated in May 1628, will apprize us of the feelings with which the opposition of the House of Commons to the arbitrary measures of the court, was regarded at that period by men of undoubted attachment to the church and monarchy. He informs the primate that "The point touching the right of the subjects in the property

perty of their goods, and to be free from imprisonment at the king's pleasure, or without lawful cause expressed upon the commitment, hath been so seriously and unanswerably proved and concluded by the Lower House, that they have cast their sheet anchor on it, and will not recede from any tittle of the formality proposed in their *Petition of Right* touching the same. The Upper House hath, in some things, dissented from them, proposing a caution to be added to the petition for preservation of the king's sovereign prerogative; which the Lower House affirms they have not rubbed upon in aught that of right belongeth to it. Yet will they not admit that addition, lest it impeach the whole intent of their petition. Wherein they are so resolute, that having upon Thursday last admirably evinced the right of the subjects in every part thereof at a conference with the Upper House, they refused to meet the Lords the day following in a committee required by them, for qualification, as it was conceived." It may here be remarked, that Sir Henry would not have written in this strain to one whom he had not supposed to

be in his heart well affected to the legal liberties of his country, though Usher's notions of the christian duty of civil obedience caused him to limit within very narrow bounds the right of resistance to tyranny.

There is a curious letter, dated July 1654, from *Bramhall*, bishop of Derry, then a refugee on the continent, stating his "discoveries" relative to the policy of Rome and the Roman-catholic orders, in sending concealed emissaries to England for the purpose of fomenting the civil commotions, and overturning the church and monarchy. The circumstances related would be worthy of historical notice could they be depended upon. He says, that in 1646, by order from Rome, above one hundred of the Romish clergy, consisting of English, Scotch, and Irish, who had been educated in the schools abroad, were sent into England, most of whom entered as soldiers in the parliament army; and that these were daily to correspond with the Romanists in the king's army: that, consulting together, they agreed that there was no better design to confound the church of England, than by pretending liberty of conscience: that

that the overthrow of the monarchy and death of the king being regarded as necessary consequences, these concealed parliamentarian papists wrote to their several convents, and to the Sorbonists in particular, to consult about the lawfulness of such a project; and that the Sorbonists returned for answer, "that it was lawful for Roman-catholics to work changes in governments for the mother church's advancement, and chiefly in an heretical kingdom: and so lawfully make away the king."

It is here to be observed, that as the puritan or presbyterian party was continually charging the English episcopalians with an approximation to popery, so the latter recriminated by attempting to prove secret connections between the sectaries and the papists; and various assertions are to be found, besides this of Bishop Bramhall, of their co-operating in the civil wars to effect the ruin of the church and monarchy. But there is reason to believe that this imputation was merely the product of party credulity and calumny. The inveteracy of the presbyterians against their persecutors was sufficiently

ently great not to require any stimulus; their strength was too considerable to need petty aid; the conduct and character of their leaders were in general clear and open; the steps which led to the change of constitution and the death of the king are all easily to be traced; and certainly the papists could not expect any advantage from the triumph of that party, which always regarded them with peculiar abhorrence, and urged the severest measures against them. Bramhall, indeed, says that he has had "sure evidence" of what he asserts, and there is no reason to doubt his own belief; but a party refugee in a foreign country is of all persons the most subject to be imposed upon.

Some short letters are given between the primate, and the witty, eloquent, and learned *Joseph Hall*, bishop of Norwich. In the first of these, written by the bishop in Latin, and dated in 1647, "ex tuguriolo nostro Highamensi" (his humble retreat at Higham, near Norwich, after his sequestration), he runs to some length an ingenious parallel between the primate's services to Ignatius, deserted in his forlorn condition by Parker, Salmasius, and

and other critical polemics, and the traveller to Jerusalem who fell among thieves, and was relieved by the charitable Samaritan. The primate returned his compliment by presents of his books, which are elegantly acknowledged in Hall's other letters. One of these, in English, is written in a style of great purity, and with expressions of singular respect and deference.

The name of Usher could not fail of a due estimation at the learned court of queen Christina. *Isaac Vossius*, residing at her court in 1650, writes to the primate in order to acknowledge in the queen's name the present of his chronological work, which, he says, she was perusing with great satisfaction. He also mentions her acquaintance with others of his writings, and especially her delight in the Acts of Polycarp in his Ignatiana. He further communicates her request that he would send her a catalogue of the principal manuscripts in his own collection, and also in the Cotton and royal libraries.

Several Latin letters appear in correspondence between the primate and *Louis de Dieu*, a professor and pastor at Leyden, and also a correspondent

correspondent of Selden's. In one of these, dated May 1636, the professor gives a striking and affecting sketch of a visitation of the plague at Leyden. Speaking of the interruption in their epistolary communication, he says, "In the meantime we have been afflicted with a cruel pestilence, which in one week carried off 1500 persons, and in the whole year, twenty thousand. The university was deserted; commerce was suspended; the city, like 'an abomination of desolation,' was an object of general horror. All fled who had the power of flight. For myself, I was not only forbidden to fly by my office, but it was also my duty to encourage the desponding, to console and support those who were struggling with death, and to perform services both to the sick and the sound. Nor was I forsaken by the divine mercy, which so protected me in these dangers, that I have hitherto, with my whole family, remained uninfected. Although the contagion is not yet extinguished, its violence is so much abated, that the deaths for some weeks past scarcely exceed the thirtieth part of those of a single week. The university revives, commerce returns,

turns, the former splendour of the city is renewed, and nothing is wanting but the renewal of true piety."

Of the letters from foreigners, one of the most worthy of notice is signed *Gothofredus Hotton*, and dated Amsterdam, January 28, 1652. The writer, who mentions having published a few years before a tract on toleration, informs the primate, that at the general congress for peace in the Empire, held at Munster, he had been secretly apprised of an intention of excluding the Reformed protestants from the benefit of it, on the plea that they did not belong to the Confession of Augsburg—that in consequence, he drew up some thoughts on the subject, of which he sent copies anonymously to the queen of Sweden, and the plenipotentiaries of the Lutheran and Reformed powers, which were the means of procuring an article for the liberty and security of the Reformed in the Empire—and that afterwards the paper was published with his name affixed, by order of the synod of the Gallo-Belgic churches at Dort. Since that time, many societies and distinguished individuals in the Reformed communion

communion had sent him letters of approbation on the subject, which it was his design to make public; and it is the purport of his application to the primate (to which he was encouraged by his learned friend Junius, *Young)* to obtain from him a like testimony of approbation. As no answer appears, the result of this request is not known; but the circumstance of its being made, sufficiently proves that Usher was regarded as friendly to the principle of a fraternity in all the regular protestant churches.

The other letters to and from learned men in this collection are in general restricted to particular points of criticism or literary discussion, and can only interest enquirers into their several topics. They, however, all afford proofs of the primate's extensive and accurate erudition, and of the extraordinary respect in which he was held by his contemporaries, both for his moral and his intellectual qualities. The additional reverence he inspired by his high rank in the church is also very apparent, especially in the letters of his foreign correspondents. This advantage will always attend the dignified members

of

of a splendid establishment; and it may perhaps be for the general benefit of letters that a reflected lustre should occasionally be thrown upon some of their most successful votaries. Yet in the comparison of learned men with each other, a liberal estimator will disregard all adscititious honours, and consider only the share each has contributed to the general stock of that community of equals in which he is enrolled, and from his rank in which he takes his proudest distinction. The untitled JOHN SELDEN and the mitred USHER here stand on a level, and their respective names will continue to do honour to their country as long as literary fame shall retain its value in the civilized world.

PUBLICATIONS OF ARCHBISHOP USHER.

De Ecclesiarum Christianarum Successione et Statu 1613
The Religion of the ancient Irish and Britons 1622
Gotteschalci et Prædestinariæ Controversiæ ab eo motæ Historia . . 1631
Veterum Epistolarum Hibernicarum Sylloge 1632

Immanuel

Immanuel, or the Mystery of the Incarnation of the Son of God . . 1638
De Ecclesiarum Britannicarum Primordiis 1639
A Discourse on the Origin of Bishops and Metropolitans 1641
A Geographical and Historical Disquisition on the Lydian or Proconsular Asia 1641
Polycarpi et Ignatii Epistolæ . . . 1644
Appendix Ignatiana 1647
Diatriba de Romanæ Ecclesiæ Symbolo Apostolico aliisque Fidei Formulis 1647
De Macedonum et Asianorum Anno Solari 1648
Annalium Pars prior 1650
Epistola ad Ludov. Capellum de Textus Hebraici variantibus Lectionibus 1652
Annalium Pars posterior 1654
De Græca Septuaginta Interpretum Versione Syntagma 1655

POSTHUMOUS.

Various Tracts, edited by Dr. Bernard 1657

Chronologia

Chronologia Sacra, edited by Dr. Barlow 1660

The Power of the Prince, and Obedience of the Subject, written 1641, printed after the Restoration.

Historia Dogmatica Controversiæ inter Orthodoxos et Pontificios de Scripturis et Sacris Vernaculis: Accessere Dissertationes duæ . . . 1690

NOTES.

NOTES.

(1). WILLIAM CAMDEN, one of the most eminent of English antiquaries and historians, was born in London in 1551. Having received his early education in Christ's Hospital and St. Paul's school, he entered at the age of fifteen as a servitor in Magdalen-college, Oxford. He was successively a member of other colleges in that university, and in 1575 was placed in the laborious office of second master of Westminster school. While executing the functions of this post with due diligence, he employed all his leisure hours in the study of the history and antiquities of his native country, and formed an extensive plan for an elucidation of these objects from such remains as had escaped the ravages of time. He took journeys and established correspondences for this purpose; and in 1586 was enabled to publish the first edition of his celebrated work, entitled "Britannia, sive florentissimorum Regnorum Angliæ, Scotiæ, Hiberniæ,

Hiberniæ, et Insularum adjacentium ex intima Antiquitate Chorographica Descriptio." The correction and augmentation of this work was ever after one of the principal objects of his attention, and he took repeated journeys to different parts of the island, in order to search into records and examine the relics of antiquity. His sixth and last edition of the Britannia appeared in 1607; and from it have been made the translations of Philemon Holland, Bishop Gibson, and Mr. Gough, which, with their improvements, have brought it down as a standard work to the present time. It is admitted that Camden did not bring to this task all the peculiar learning and judgment that might have been desired; but his industry and assiduity were highly commendable, and the gratitude of those engaged in similar pursuits has justly conferred on him the title of the Father of British Antiquaries.

Camden, in 1593, was elected to succeed Dr. Edward Grant as head-master of Westminster school; and in that station he published a Greek grammar abridged from one drawn up by his predecessor, which was long in common use. In 1597 he was freed from the

the shackles of public tuition by an appointment, through the interest of Sir Fulk Greville, to the appropriate office of Clarencieux king at arms. He employed the leisure thus afforded him in redoubled attention to his favourite studies; and in 1603 published at Frankfort a collection of ancient works in British history, some of them hitherto inedited, and others in a corrected form. Some "Remains concerning Britain," and some Essays presented to the Society of Antiquaries, conclude the list of his writings on these topics. He reserved for his advanced years the composition of a history of the reign of queen Elizabeth, a glorious and peculiarly interesting subject for an English pen. Of this the first part, read and approved by king James, was published in 1615, with the title of "Annales Rerum Anglicarum et Hibernicarum regnante Elizabetha, ad annum salutis 1589." A second part, concluding the work, he did not choose to publish in his lifetime, but deposited a copy of it in the hands of a friend, with the direction to print it after his death. This historical performance has obtained the praise of Hume for

its style and mode of composition; but is considered as somewhat partial, and particularly inaccurate in its account of the affairs of Scotland.

Camden manifested his attachment to useful learning by founding, before his death, a history-professorship at Oxford. He died at Chiselhurst in Kent, in 1623, in the seventy-third year of his age, and was interred in Westminster abbey.

(2). Sir Henry Spelman, descended from an ancient family settled in Norfolk, was born at Congham, a village near Lynn, in 1562. He was entered at an early age of Trinity-college, Cambridge; and leaving the university on the death of his father, was admitted of Lincoln's Inn. His legal, as well as his academic, studies were, however, cut short; for he married as soon as he was of age, and sat down as a country gentleman upon his estate, the cultivation of which he took into his own hands. But it appears that he had already imbibed a love for literary pursuits, especially those relating to the legal and ecclesiastical history and antiquities of his country;

country; and whilst yet a young man, he drew up a Latin treatise on armorial bearings, which he entitled "Aspilogia," and made transcripts of several foundation charters of the monasteries in Norfolk and Suffolk. He had also joined himself to that original Society of Antiquaries which was formed in London about the year 1572, and held its meetings at Derby House, where the Heralds'-office was kept. In 1604 he was high-sheriff of his county; and about that time he communicated to John Speed a brief description of Norfolk, which was printed in that author's "Theatre of Great Britain."

Having now raised himself to some notice by his topographical and antiquarian researches, he was nominated in 1607 one of the commissioners appointed by James I. for ascertaining the titles, and making out grants of lands and manors, in the counties of Roscommon, Sligo, Mayo, and Galway, in Ireland. In performing the duties of this office he thrice visited that kingdom, probably not without some detriment to his domestic concerns; for we find him at length, disgusted with farming, selling his stock, letting his

estates, and in 1612 removing with his family to the metropolis. He now applied himself seriously to an object of antiquarian study much superior in importance to those which commonly engage the attention of the enquirers into antiquity; namely, the ground of English law, as deducible from original records. Whilst he was engaged in reading with great assiduity for the purpose of these researches, an interruption occurred on the following occasion. During his residence upon his estate he had become the purchaser of the lands of two suppressed monasteries, which had involved him in a troublesome lawsuit to maintain his title against a prior claimant. As at this time there existed in the minds of many, scruples relative to the secularizing of property once bestowed on the church, the vexation Spelman underwent on account of his purchase seems to have been regarded by him in the light of a judgment. When, therefore, an uncle of his consulted him relative to some difficulties he met with in building upon the glebe of an appropriate parsonage which he possessed, Spelman declared plainly to his relation, that

that he thought them a token of the divine displeasure for keeping the parsonage in lay hands; and having afterwards committed his thoughts on the subject to writing, his paper was printed (his uncle being dead), in 1613, with the title "De non temerandis Ecclesiis: Churches not to be violated. A Tract of the Rights and Respects due to Churches, written to a Gentleman who, having an appropriate Parsonage, employed the Church to profane Uses, and left the Parishioners uncertainly provided of divine Service in a Parish there adjoining." His own conduct was conformable to the advice he gave in this case; for being possessed of an impropriation in Norfolk, he employed the profits of it to the augmentation of the vicarage, and retained nothing for his own use. This work was reprinted and published two years afterwards, and is said to have had a considerable effect in procuring the restitution of impropriations to the church. But whilst it gave him the reputation of being a firm friend to the ecclesiastical constitution, it brought some attacks upon him from persons of different sentiments, which obliged him

him to draw up an apology for his work. To conclude what relates to his conduct and opinions on this head: though his opposition to such lay impropriations as are detrimental to the due performance of public worship, was laudable and well grounded, yet he may be thought to have deviated into superstition, when he attempted to show, in his "History of Sacrilege," that a kind of curse had attended the possessors of the lands of dissolved monasteries and abbeys.

At the revival of the Society of Antiquaries in 1614, Sir Henry Spelman (he had been knighted by king James) attended as one of the old members; and a question being proposed concerning "the original of the four law terms of the year," he drew up a discourse in answer to it, which he published. When Archbishop Abbot had been so unfortunate as accidentally to kill his gamekeeper by a shot with a cross-bow, and an apology had been written for him on account of the action, Spelman, excited by zeal for the purity of the clerical character and the authority of the canons, wrote an answer to it, in which he contended, that the archbishop

archbishop had become disqualified by the deed, and could not be restored to his functions without a new and particular consecration. In this performance there appears a good deal of trifling, and some bigotry. Continuing to pursue his enquiries respecting the origin of the English laws, he found an accurate knowledge of the Saxon tongue essential, which he therefore took great pains to acquire; and in 1621 he printed a specimen of his projected work. Being encouraged to proceed by several learned persons, at home and abroad, he published in 1626 a part of the work, brought down in alphabetical order to the end of letter L, giving it the title of "Archæologus, in modum Glossarii ad Rem antiquam posteriorem," fol. Various conjectures were made as to the reason of his stopping here (for he went no farther in the publication), and it was supposed that the articles *Magna Charta* and *Maximum Consilium* being soon to follow, he was induced by caution to avoid touching upon topics likely at that time to bring upon him the displeasure of one or the other of the political parties; but the truth seems to have been,

been, that the sale of the volume was so confined, that he had no encouragement to print the second part, which he had prepared, and which appeared after his death. The title of the whole united is "Glossarium Archaiologicum," and its object is the explanation of obsolete words occurring in our ancient histories and laws. It is not, however, a mere glossary, but contains various entire dissertations upon particular topics. He next employed himself in making a collection of English Laws and Statutes from the Conquest to the 9th of Henry III. which he finished in 1627. Having been appointed, on Archbishop Laud's recommendation, one of the commissioners for enquiring into the exaction of fees in the courts and offices throughout England, he printed, in 1628, a tract "De Sepultura, or of Burial Fees." In this piece it appears extraordinary, that after having proved by arguments from the canon law, that the clergy have no legal claim to fees, either for the burial service or the grave, and declaimed with great severity against the inhumanity of extorting money for committing a corpse to the earth to which it is to return,

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he concludes, that nevertheless the money may be taken as a customary due for the use of the church—so tender was he of touching any clerical emoluments!

Before he had finished his glossary, he engaged in another considerable work at the instigation of several prelates; which was a "History of the English Councils." Of this he published in 1639 the first part, including the period from the first introduction of christianity in England to the Norman conquest. A second part, of which little more than a fourth was of his composition, and the remainder was supplied by Sir William Dugdale, was printed several years after his death. In the same year he gave a proof of his attachment to antiquarian studies by instituting a Saxon lecture in the university of Cambridge, which he designed to render perpetual; but his intention was defeated. The Commission of defective Titles in Ireland, one of the measures by which Lord-deputy Wentworth reduced that kingdom to absolute dependance on the crown, having caused much argument on the case of Tenures, Sir Henry in this year published a treatise on "The original Growth,

Growth, Propagation, and Condition of Tenures by Knight's Service in England," which, by the depth and extent of its learning, gave proof that his faculties were still entire, notwithstanding his advanced age. He survived two years longer, and died in London in 1641, having completed his eightieth year. He was interred, by the king's order, in Westminster abbey.

Besides the works already mentioned, there were published various posthumous pieces of his composition. In 1647 appeared "Sir Henry Spelman's larger Treatise concerning Tythes," in which he strongly contends for this mode of maintaining the established clergy, upon reasons of equity and convenience, without referring to the alledged divine right, which Selden paid so dearly for opposing. He adduces, indeed, some mystical reasons for fixing upon the number ten in apportioning this provision, which exhibit his learning at the expence of his judgment. Another work was a "History of Sacrilege," which was in the press at the time of the fire of London, where it was destroyed. From an imperfect manuscript, however, a plan of it has been given,

given, by which it may be judged, that the author's reputation has lost nothing by its destruction. Gibson, afterwards bishop of London, published in 1698 a folio volume, entitled "Reliquiæ Spelmannianæ, The Posthumous Works of Sir Henry Spelman, Knt. relating to the Laws and Antiquities of England;" in which there are several tracts worthy of the writer's character. That editor thus briefly sums up his moral and literary qualities: "A gentleman of great learning, and a hearty promoter and encourager of it. In his temper calm and sedate, and in his writings grave and inoffensive; a true lover of the established church, and a zealous maintainer of her rights and privileges." Many testimonies to his merits as an elucidator of legal and historical antiquities are to be met with, both from foreign and native writers. His Archæological Glossary is the work by which his name is at present best known.

(3). Sir Robert Cotton, the intimate friend of Selden, and promoter of his first studies, was born of an ancient family in the county of Huntingdon, in 1570. After an education

education at Trinity-college, Cambridge, and a residence for some time at his father's house in the country, he was induced by his taste for antiquarian researches to repair to London, where he associated himself with Camden and others distinguished for the same pursuits, and diligently attended to the collection of ancient charters, records, and other public papers. The dissolution of the monasteries having thrown many of those instruments into private hands, he enjoyed peculiar advantages for making such a collection, which he so well improved, that his library became extremely rich in treasures of this kind, of which he permitted the free use to literary enquirers. On the accession of king James, he received the honour (though, indeed, a cheap one) of knighthood; and during that reign he was frequently consulted by persons in power relative to constitutional subjects and ancient usages. The project of creating an order of baronets, as an expedient to bring some money into the exhausted royal treasury, was principally his suggestion, and he was a partaker in the new title. His general opinions in civil and ecclesiastical mat-

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ters appear to have been nearly similar to those of his friend Selden. Though loyal, he was a friend to parliaments; and in 1621 composed "A Relation to prove that the Kings of England have been pleased to consult with their Peers in the Great Council, and Commons in Parliament, of Marriage, Peace, and War;" which tract was reprinted with the title of "The Antiquity and Dignity of Parliaments." He also, when a member of the first parliament of Charles I. supported the complaint against national grievances; and when consulted by the king and council, gave the sound advice of not attempting to raise money without the aid of parliament, and forbearing all arbitrary measures. He had the merit likewise of strenuously opposing the dangerous and disgraceful project of debasing the coin. These displays of popular politics rendered Sir Robert obnoxious to Laud and the high churchmen, though he had written "A Vindication of the Ecclesiastical Constitution of England against certain Innovations moved by the Puritans;" for, in common with almost all antiquaries, he was inspired with a reverence for ancient forms,

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and an aversion to changes under the name of reforms. The suspicion of the court caused him, in 1629, to undergo the mortification of having his library sealed up, and himself brought before the privy-council, on account of the loan, by a person who lived with him, of a pamphlet, entitled "A Proposition for his Majesty's Service to bridle the Impertinency of Parliaments," written by Sir Robert Dudley, then an exile at Florence. He was released on the discovery of the real fact; but the indignity and vexation affected him so sensibly that he told his friends he was heart-broken, and died within two years, May 1631, at the age of 60. He left some manuscript tracts, nine of which were printed in a collection of antiquarian pieces; and was a still greater benefactor to letters, by the provision in his will for keeping his valuable library entire. This was augmented by his son and grandson, and finally became a part of the literary treasure of the British Museum.

(4). MICHAEL DRAYTON, a native of Warwickshire, was born in 1563. Of his education

tion it is only recorded that he was for some time a student at Oxford. He made himself known by some poems in the reign of Elizabeth, and the dedications of his pieces imply that he enjoyed the patronage of some persons of rank; but scarcely any information remains of the circumstances of his life. To his name prefixed to one of his compositions, written in 1626, the designation of poet-laureat is added; yet he does not appear in the list of those who have possessed the court-office so denominated. He seems to have sustained a respectable character during life; and at his death, in 1631, his remains were honoured with interment in Westminster abbey.

Drayton, more than almost any of his fraternity, deserves the name of a national poet, as far as it is merited by the nature of his subjects, a great proportion of which refer to incidents in English history. Of these are the Battle of Agincourt, the Barons' Wars, and various stories and catastrophes of eminent English personages. The work by means of which his name is connected with that of Selden, the "Polyolbion," is his largest performance;

formance; and his design in it seems to have been to present a geographical description of the several counties of England and Wales, and their antiquities, under the colours of poetical fiction. It is written in Alexandrine verse, the uniformity of which is sufficiently tiresome in a long composition; and his personifications of rivers, mountains, and other natural objects, become very insipid by repetition. In fact, Drayton, with some poetical ideas, was too feeble in point of execution to give vigour and animation to his designs, and scarcely ever rises above a flat mediocrity. His works still survive as a part of the mass of English poetry, but rarely find a reader.

(5). BENJAMIN JONSON, one of the patriarchs of English poetry, was born at Westminster in 1574. He was the posthumous child of a clergyman, and was receiving a classical education at Westminster school under Camden, when his mother, who had taken a bricklayer for her second husband, recalled the youth from his books to work with his stepfather. Disgust at this degradation drove him to enter as a common soldier

soldier in the troops then serving in the Netherlands against the Spaniards, in which station he had to boast of the exploit of killing an enemy in single combat. On his return from abroad he resumed his purpose of obtaining a literary education, and was admitted of St. John's-college, Cambridge; but he was not long able to support the expence of an academical education. He had, however, so well improved the broken opportunities of study at the school and university, that an abundance of classical allusion and imagery characterizes all his compositions. On quitting Cambridge he applied to the stage for a subsistence, first in quality of an actor; but so ill was he suited to this profession, that he could never rise above low parts in an obscure theatre. He then engaged in dramatic writing; and after some discouragements, obtained, through the liberal countenance of Shakespear, a success that procured him both present fame and durable reputation. His comedies, in particular, for their perfection of plot, and the consistency with which the characters are delineated, were regarded as models for that class of com-

positions. Milton has celebrated the "learned sock" of Jonson; and Dryden has not scrupled to denominate him "the most learned and judicious writer which any theatre ever had." But if the proper object of comedy be to expose the ridiculous in real manners and characters, he cannot be said to have attained it; since his humorous draughts are taken from his own abstracted ideas, rather than from nature, his dialogue is stiff and artificial, and his scenes are totally without grace and amenity. Hence, although two or three of his pieces still keep a place on the stage, they are viewed with little pleasure. He composed two tragedies, which failed of success, as might be expected from their long declamatory speeches, chiefly consisting of translations from the Roman historians. Another class of compositions in which he was much engaged, was the allegorical and mythological Masques that were favourite court spectacles in the pedantic age of James I. His erudition was here displayed to some advantage, though the general result will to a modern reader appear to be tediousness. The same judgment will probably be passed upon

upon his miscellaneous poems, which are for the most part harsh, frigid, and full of unnatural conceits, though a few short pieces have been deservedly admired for their point and elegance.

Jonson's muse was so much to the taste of king James, that the salary of poet-laureat was settled on him for life in 1616, and he succeeded to the office in 1619. Convivial habits, however, and negligence in his affairs, reduced him to a state of indigence in the reign of Charles I. from which the occasional liberality of the king and of private patrons could not effectually relieve him. He sunk into a premature decay of mind and body, and died in 1637, at the age of 63. Though the disposition of Jonson was rude and unamiable, and he assumed a superiority over his poetical contemporaries, which he maintained with much pride and self-conceit, yet he inspired a reverence which caused his claims to be acquiesced in; and *Father Ben* was the title conferred upon him by the wits with whom he consorted. He was interred in Westminster abbey, with an inscription on his monument familiarly ex-

pressive of the popular estimation in which he was held—" O rare Ben Jonson!"

Selden's regard for Jonson was probably chiefly founded on his learning; to which purpose there is a remarkable passage in the preface to his Titles of Honour. Wishing to consult the scholiast on Euripides, he says, "I went to see it in the well-furnished library of my beloved friend and singular poet, Mr. Ben Jonson, whose special worth in literature, accurate judgment, and performance, known only to that *few* which are truly able to know him, hath had from me, ever since I began to learn, an increasing admiration." And the account he gives in that treatise, of poets laureat, is said by him to have been the performance of a promise to his beloved Ben Jonson, to whose "curious learning and judgment" he submits it for correction. A farther proof of the commerce of learning between them appears in the first of Selden's printed letters, in which he communicates to Jonson, at his request, his notes concerning the literal and historical sense of the text in scripture usually brought against the counterfeiting of sexes by change of apparel.

parel. A weighty testimony to Jonson's literary merit has lately been given by Mr. Horne Tooke, who speaks of him as the author of "the *first*, as well as the *best*, English grammar."

(6). WILLIAM BROWNE was born in 1590, at Tavistock. He received his academical education at Exeter-college, Oxford, and was then entered of the Inner Temple, which was, doubtless, the cause of Selden's connection with him. His poetical talent disclosed itself early, for the "Britannia's Pastorals," published in 1613, were chiefly composed before his twentieth year. They met with a favourable reception, and were followed by a second part, and by some eclogues entitled "The Shepherd's Pipe," which deservedly raised him to a respectable rank among the poets of his age. Browne's works are distinguished by a harmony of versification uncommon at that period, by a clear and natural style, and much poetical imagery; but are marked with the strained conceptions and puerile ideas which might be expected in a young writer, imitating Italian models, and

and involving himself in allegory. They were frequently reprinted, and an edition of them was given so lately as 1772. Browne did not long pursue the Muses' "idle trade," but procured employment in some noble families, and acquired wealth. Of the sequel of his history nothing is recorded.

(7). Sir John Fortescue, an eminent English judge of the fifteenth century, was made chief-justice of the King's Bench in 1442. He was a principal counsellor to the unfortunate king Henry VI. to whom he adhered in all his changes of fortune. Henry, when a refugee in Scotland, nominated Fortescue his chancellor, but the appointment was never acknowledged by the Yorkists, who also named another chief-justice in his place. He accompanied the Lancastrians in their flight, and passed some years as an exile on the continent, where he drew up his celebrated treatise "De Laudibus Legum Angliæ," which he dedicated to prince Edward, son of Henry VI. He was taker prisoner at the battle of Tewksbury, and afterwards released and pardoned; a favour which he either purchased

chased or repaid by writing a retraction of a former opinion he had given against the claim of the house of York. If in this point he was a complier with the times (though he might possibly be convinced by argument), he however shewed himself a good patriot by composing a work in English on "The Difference between an absolute and a limited Monarchy, as it more particularly regards the English Constitution." He wrote some other treatises which have remained in manuscript; and passing his latter days in retirement, attained nearly the age of 90 years. He was lord of the manor of Ebburton, or Ebrighton, in Gloucestershire, in the church of which parish he was interred. The last edition of his work "De Laudibus, &c." with a historical preface and notes, was published by Mr. Gregor in 1775.

(8). Ralph de Hengham, probably descended from a family in Norfolk, occupied the post of chief-justiciary of England, when Edward I. on his return from Aquitain in the sixteenth year of his reign, A. D. 1288, upon complaint made against several of the judges

judges for corruption in their office, fined and displaced them; and he was among the number. He afterwards, however, recovered the king's favour, and was made chief-justice of the Common Bench, as it was then called. He died in 1309; and his monument, with monkish verses to his praise, was existing in St. Paul's church in the time of Selden.

(9). SAMUEL PURCHAS, born at Thaxtead in Essex, in 1577, was educated in Cambridge, and taking orders, obtained a country vicarage. This, however, he resigned, and removed to London for the purpose of composing a work he had undertaken, which was a general collection of voyages and travels. Of this, the first volume in folio was published in 1613, with the title of "Purchas his Pilgrimage, or Relations of the World and the Religions observed in all Ages and Places discovered from the Creation unto this present." This volume, to which Selden's assistance was given, was thrice reprinted before it was followed, in 1625, by four more, completing the work. Of these the general title is "Hackluytus Posthumus,

or Purchas his Pilgrims: containing a History of the World in Sea Voyages and Land Travels by Englishmen and others." Hackluyt's name is introduced, because the papers he had left came into Purchas's possession. Though this work was well received, it involved the author in debt, and some have asserted that he died in prison, which, however, does not seem to have been the case. He was chaplain to Archbishop Abbot, and rector of St. Martin's, Ludgate, and died about the year 1628. He is said to have been a man of extensive learning, and his "Pilgrimages" were very useful in diffusing geographical and historical information in this country.

(10). LANCELOT ANDREWS, a distinguished English prelate, was descended from a good family in Suffolk, and born at London in 1565. He received his academical education at Pembroke-hall, Cambridge, where he acquired great reputation for his theological knowledge, especially in the department of casuistry, and for his talents as a preacher, in which quality he displayed the readiness

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at learned quotations, and the quaint and ingenious turns, which were in high esteem in that age. He was a favourite chaplain to queen Elizabeth, during whose reign he obtained the preferments of dean of Westminster, and prebendary and residentiary of St. Paul's. His style of preaching was not less to the taste of king James; and his learning caused him to be engaged by that monarch in vindicating his ecclesiastical supremacy against the attack of Bellarmine. This he performed in a Latin treatise so much to his Majesty's satisfaction, that he was raised first to the see of Ely, and then to that of Winchester. He was also appointed one of the privy-council, first in England, then in Scotland, whither he accompanied the king on a visit to that country. He died in 1626, soon after the accession of Charles I.

Bishop Andrews was a man of extensive erudition, and is said to have been much esteemed by several learned foreigners. His moral and religious character is spoken of with the highest commendation by his contemporaries: his affability, bounty, and regard for the interests of literature, are particularly

ticularly extolled. That his spirit rose above the servility too common in his time, appears not only from his conduct towards Selden, but from an anecdote related of him by the poet Waller. Attending at the king's dinner in company with Neale, bishop of Durham, James, always intent upon his prerogative, asked the prelates whether he might not take his subject's money without the form of parliamentary consent. Neale, without hesitation, answered, "God forbid, Sir, but you should; you are the breath of our nostrils!" The king then turned to Andrews, and required his opinion. He attempted to decline the question, by saying that he was not a competent judge of the case; but being peremptorily urged, "I think, Sir," said he, "you may lawfully take my brother Neale's money, since he offers it." This pleasantry saved him from further importunity.

It may be added, as a testimony to the worth of this prelate, that his death was lamented by the juvenile muse of Milton in a Latin elegy.

(11). Patrick Young, in Latin, *Patricius Junius*, a person to whom literature in England

land is under considerable obligations, was the son of Peter Young, joint tutor with Buchanan to James I. and afterwards employed by that king in various negotiations, and rewarded with knighthood and a pension. Patrick was born in 1584, at his father's residence at Seaton in Lothian, and was educated at the university of St. Andrew's. When his father accompanied James to England, Patrick followed, and was for some time domesticated with Lloyd, bishop of Chester, to whom he officiated in a literary capacity. In 1605 he went to Oxford, where he received the unusual favour of being incorporated in the degree of M. A. which he had taken at St. Andrew's. He entered into deacon's orders, and was made one of the chaplains of All Souls-college. He employed himself in this seat of the muses in the assiduous study of ecclesiastical history and antiquities, and of the Greek language, in which he made a practice of corresponding with his father, and other learned men. Thence he removed to London, with the intention of making his way at court, where erudition was in that reign a welcome guest. One of his principal patrons was Dr. James Mountagu,

tagu, bishop of Bath and Wells, through whose interest he obtained a pension from the king of £50 per annum; and as he was master of an elegant Latin style, his pen was occasionally employed by his Majesty and some of the persons in power, in writing letters; and he was also engaged in examining the archives of the kingdom.

It was the first object of his ambition to obtain the post of keeper of the library and museum of prince Henry, in the palace of St. James, which was his residence. In this he failed; but he was afterwards, through the influence of his patron, Bishop Mountagu, elected librarian to the king. As the history of the royal library is an object of some interest in the literary annals of this country, I shall copy some of the particulars of it from the accounts of Dr. Thomas Smith* and Dr. Birch†. Some manuscripts of value were collected by Edward IV. and printed books by Henry VII. and Henry VIII. to the last of whom the learned antiquary Leland

* *Vita Patricii Junii, in Vit. Erudit. Viror.* from which the substance of this article is taken.

† In *Life of Henry Prince of Wales.*

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was librarian. An accession to these was made in the reign of Edward VI. who displayed an early fondness for letters. Elizabeth's library at Whitehall is said by a German traveller to have been well stored with Latin, French, and Italian books, with velvet bindings of different colours, and enriched with clasps of gold and silver, and some of them adorned with pearls and precious stones. This, however, indicates rather a splendid than a curious or valuable collection; and the first which merits the name of a learned library seems to have been that of her successor, James. This king, indeed, as appears from a warrant granted to Sir Thomas Bodley, was content to enrich the Bodleian library at the expence of his own; for he gave that celebrated collector power to set apart any of the books in his different houses: but he was afterwards induced to purchase the whole collection, both of printed and manuscript books, made by Lord Lumley, and containing, besides his own, those of his father-in-law, the Earl of Arundel. At the suggestion of Sir Adam Newton, who had been prince Henry's tutor, they were placed

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in St. James's; and an addition was soon after made to them of the choice library of Sir ——— Morris, a Welsh gentleman, consisting of books collected at great expence in France and Italy.

To this library of St. James's Young was a most assiduous visitor, spending the greatest part of his time in it, and, at the king's command, classing its contents in catalogues. He had frequent literary conversations here with his Majesty, who at length placed him in the situation, for which he was so well qualified, that of his librarian. By his persuasion, on the death of the very learned Isaac Casaubon, in 1614, with whom he was familiarly acquainted, the king purchased all his books and manuscripts for the library, except his "Adversaria et Collectanea," which were reserved for his son Meric, and were left by him to the Bodleian. For the purpose of augmenting the stores committed to his care, Young was very desirous of visiting the continent, but was unable to put his design in execution till 1617, when he went to Paris, taking with him recommendatory letters from Camden to some of his learned acquaintance

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in that metropolis. By their means he was introduced to various other eminent men, with whom he ingratiated himself by the sweetness of disposition, the candour and urbanity which always distinguished him, and rendered him peculiarly dear to all with whom he was connected. After his return he assisted Thomas Rhead in making a Latin version of the works of king James, a task doubtless considered as highly important by the royal author. This translation, "which," says Dr. Smith, "will extend to all eternity the fame of this most learned king," appeared in 1619; and Young was deputed to carry the present of a copy from his Majesty to the university of Cambridge, which was received in solemn convocation with all due respect.

Young in 1620 entered into the married state, and in the same year, though only in deacon's orders, was presented to two rectories in Denbighshire, and was soon after collated to a prebend of St. Paul's, and made treasurer of that church. In 1624, on the death of Rhead, he was recommended by Bishop Williams, then keeper of the great seal, to the Duke of Buckingham, as the fittest person

person in the kingdom to succeed to the post of Latin secretary. Although he had hitherto published nothing in his own name, he appears to have acquired a high character among the learned both at home and abroad, many of the latter of whom corresponded with him upon literary topics, and received from him various useful services. It has been mentioned in the Life of Selden, that when that distinguished scholar went to examine the Arundelian marbles, he chose Young for one of his companions; and he derived so much assistance from him in drawing up the account of these valuable remains, that, passing by all patrons of a higher rank, he inscribed his "Marmora Arundelliana" to Young, in an affectionate and grateful dedication, which confers honour on both the friends.

In the same year, the famous Alexandrian manuscript of the Bible having been added to the treasures of the royal library, Young employed himself assiduously in collating it with other manuscripts and printed books, and communicated many various readings to Grotius, Usher, and other learned men.

It was his intention to print the whole in types similar to the letters of the original, and he published a specimen of his design; but circumstances prevented it from being brought to effect. He, however, in 1633, edited from the same manuscript, the "Epistles of Clemens Romanus;" and he afterwards published, with a Latin version, "Catena Græcorum Patrum in Jobum, collectore Niceta Heracleæ Metropolita." In 1638 he published "Expositio in Canticum Canticorum Folioti Episcopi Londinensis, una cum Alcuini in idem Canticum Compendio." He had made preparations for editing various other manuscripts from the king's library, when, in consequence of the civil wars, it was seized upon by the parliament, and committed successively to the care of different persons. Young, in these times of confusion, retired to Bromfield in Essex, to the house of a son-in-law, where he was taken off by an acute disease in September 1652.

Of his character both as a scholar and a man, abundant eulogies from persons of literary distinction are annexed to Dr. Smith's biographical memoir. "A readiness to oblige

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seems to have been one of his most conspicuous qualities; which, indeed, he carried to an excess in some measure inconsistent with his trust; for he lent to friends abroad some valuable manuscripts from the royal library, and suffered them to be detained for several years. A charge perhaps more weighty has been brought against him—that, in contemplation of the pillage this collection would probably undergo from the parliamentarians, before he quitted his post, he transferred to his own house many manuscripts, with the intention of restoring them at a more settled period, but that after his death they were brought to sale with his other effects. The truth of this, however, does not seem ascertained; and it is not doubted that he had purchased for himself many manuscripts from the Greeks who came over to this country, and of whom he was a peculiar patron. Dr. Smith is more embarrassed to acquit him of an accusation of being a favourer of presbyterianism; but he supposes that this might be only in preference to the fanatical sects of independents which began to inundate the land; and that his

attachment to episcopacy may be inferred from his close connection with many of the most eminent champions of that cause. Be that as it may, he does not hesitate to pronounce Patrick Young one of those who have done most honour to British literature.

(12). Richard James, born at Newport, in the Isle of Wight, about the year 1592, was the nephew of the learned divine, Thomas James, the frequent correspondent of Usher. Richard was educated at Oxford, and became, in 1615, probationer-fellow of Corpus Christi-college. He entered into orders, and was a frequent preacher, but, according to A. Wood, with little approbation, except by the graver members of the university. He afterwards spent some time in travelling, and proceeded as far northward as Greenland and Russia, of which last country he drew up a manuscript account. On his return he was employed in compiling a life of Thomas Becket, by his zealous uncle, who, in a letter to Usher, speaks of his kinsman in the following terms: "He is of strength, and well both able and learned to effectuate somewhat

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in this kind: critically seen both in Hebrew, Greek, and Latin; knowing well the languages both French, Spanish, and Italian; immense and beyond all other men especially in reading of the MSS.; of an extraordinary style in penning; such a one as I dare balance with any priest or Jesuit in the world of his age, and such a one as I could wish your lordship had about you: but *paupertas inimica est bonis moribus*, and both fatherless and motherless, and almost, but for myself, friendless." At the time when Selden chose him as an assistant in his examination of the Arundelian marbles, he appears to have been domesticated with Sir Robert Cotton, to whom, and to his son Sir Thomas, he acted as librarian. He died at the house of the latter, in 1638. Wood says, that besides the literary acquisitions above-mentioned, he was admirably skilled in the Saxon and Gothic languages. His only publications were some Latin poems, two Latin and some English sermons, and an English translation of Minutius Felix; but he left a great number of manuscripts, which were deposited by Dr. Greaves in the Bodleian library.

(13). William

(13.) William Laud, archbishop of Canterbury. It is not intended in the present notice of this distinguished prelate to consider him in any other light than as a promoter of learning. His munificence in decorating with new buildings the college in which he was educated, St. John's, Oxford, and the university, of which he was chancellor, is rather to be referred to his academical than his literary merits; but the learned treasures which he bestowed upon Oxford may be accounted a benefit conferred upon the general republic of letters. At different times he presented to this university thirteen hundred manuscripts, in a great number of languages, ancient and modern, which he had collected at a vast expence. He founded an Arabic lecture in Oxford, which subsists to the present time; and he established a Greek press in London for printing manuscripts hitherto inedited*.

Laud

* A passage in a letter of his to Primate Usher, dated July 1630, proves how much he was regarded as a favourer of the interests of literature. He says, "And now for the bargain which you mention of ancient coins, to the number of 5500, I cannot upon the sudden say any thing; for my own

Laud passed too busy and too polemical a life to be a contributor to solid learning by his own writings, of which the few that were published relate chiefly to controversial divinity and politics. It may be of some use to subjoin the dates of the principal stages in his life: Born, at Reading, in 1573; D. D. in 1608; dean of Gloucester, 1616; bishop of St. David's, 1621; of Bath and Wells, 1626; of London, and a privy-counsellor, 1628; chancellor of Oxford, 1630; archbishop of Canterbury, 1633; executed, 1644-5.

(14.) Bulstrode Whitelock, born at London in August 1605, was the son of Sir

own purse is too shallow, and my Lords the Duke of Buckingham and the Earl of Pembroke are dead. You say they are a great bargain at £600. I pray, therefore, if you have so much interest in the seller, send me word, as soon as you can, how many ounces the gold coin comes unto, and how many the silver, and then I shall be able to judge of the copper; and then, upon my return to those your letters, I will give you answer whether I can find any noble spirit that will deal for them, or no."

I have not met with any further notice of this collection, but it is not improbable that it came to the cabinet of St. James's, which is said, in 1652, to have contained 12000 coins.

James

James Whitelock, one of the justices of the King's Bench, an able lawyer, and a man of learning. Of his proficiency in the latter capacity, an anecdote is related, which will probably appear at present very extraordinary. Observing, as he was opening the assize at Oxford, some foreigners of rank enter the court, he recapitulated in elegant Latin the heads of his charge to the grand jury, in order to give them information of the manner of our judicial proceedings.

Bulstrode, who was named after his maternal grandfather, a Buckinghamshire gentleman, received his early education in Merchant Taylors' school, whence he was removed in 1620 to the university of Oxford, and entered as a gentleman-commoner at St. John's-college. That society was then under the presidency of Dr. Laud, who treated young Whitelock with so much kindness, that when the archbishop was afterwards impeached by the Commons, he refused to be of the committee to draw up the charges against him. He quitted the university without taking a degree, and entering at the Middle Temple, pursued his legal studies, in which he enjoyed

joyed the valuable assistance of his father. Being called to the bar in due time, he soon rose to distinction, of which a proof appeared in his being consulted by Hampden in the prosecution that patriot incurred for his refusal to pay the illegal tax of ship-money.

In November 1640, Whitelock was chosen a representative in parliament for Marlow. He soon had occasion to display both his talents and his filial piety in a successful defence of his father, who was implicated with two other judges in the proceedings against Selden and some other members, for their freedom of speech in the parliament of 1628. His own principles, however, must have been well known to be favourable to the measures now resolved upon by the parliamentary leaders, since he was appointed chairman of the committee for drawing up articles and managing the evidence against Lord Strafford. When the great contest, on the prospect of a civil war, arose concerning the possession of the power over the militia, he spoke decidedly against its being intrusted either to the king or the parliament, and appeared, like Selden and many others of the legal profession,

fession, extremely averse to the measure of taking up arms; but as soon as that was determined on by the votes of the House, he accepted the post of deputy-lieutenant of the counties of Oxford and Buckingham, and raising a troop of horse among his neighbours, appeared at their head. Still, however, he was an advocate for peace on all occasions; and though he had taken his party, he ranked among the most moderate in it. Being a member of the assembly of divines at Westminster, he spoke against the divine right of presbytery, and opposed a motion founded on it in the House of Commons. Propositions of peace being agreed upon by the parliament in 1644, he was one of the commissioners appointed to wait upon the king with them at Oxford; and his Majesty gave him and Holles the character of being sincere friends to that desirable termination. These gentlemen ventured upon the irregular measure of putting down upon paper what they thought would be the king's proper answer to the proposals; which step being betrayed to the parliament by Lord Saville, they were accused before that body of high

high treason, and brought into considerable danger, from which they finally extricated themselves with credit. Whitelock was afterwards a commissioner at the treaty of Uxbridge; and when that had failed, he supported a motion for further propositions from the parliament. On various occasions he approved himself a friend to learning by exertions to preserve libraries and monuments of antiquity from plunder and destruction; and when attending upon General Fairfax at the siege of Oxford, he used all his interest to procure favourable terms to the garrison and colleges. His regard for the law made him an opposer of arbitrary powers in either house of parliament, or their committees; and being thus looked upon with suspicion by the parliamentary leaders, he joined the army party, which was now becoming the strongest, and declared against the measure proposed by Holles and others, of disbanding the greatest part of the troops. He was at this time much courted by Cromwell and his associates, and by their interest was made, in March 1647-8, one of the commissioners of the great seal, on which occasion he resigned

signed his former place of attorney of the duchy of Lancaster, as well as his private practice, which had been very gainful.

When the king's trial was determined upon, he was nominated one of the committee to draw up the charge; but he was too cautious and prudent to implicate himself in such a business, and withdrew into the country that he might be out of call. He seems, likewise, from his Memorials, really to have disapproved the king's condemnation. He did not scruple, however, to act under the new form of government; and besides his office of commissioner of the great seal, he was nominated, in February 1648-9, one of the council of state. He was considered as so agreeable to Cromwell, that he was appointed among the four members of parliament who were deputed to meet that successful leader on his approach to London after his crowning victory at Worcester in 1651. When Cromwell in December following called an assembly of members of parliament and officers of the army to deliberate upon the settlement of the nation, Whitelock, who was of the number, gave it as his opinion that

that the laws of England were so interwoven with the existence of monarchy, that the government could scarcely be settled without that part of the state; and therefore suggested that a day might be appointed for the late king's eldest or second son to come to the parliament, and enter into terms for securing the liberties of the nation. The lawyers in general, it is said, had the same predilection for a mixed monarchy: it was, however, evident that they who had concurred in the king's death, would never think themselves safe when one of his sons wore the crown. When, therefore, Whitelock afterwards, in a private conference with Cromwell, endeavoured to persuade him to enter into a treaty with Charles, the proposal so much displeased that ambitious man, that he grew cool towards his adviser, and formed the design of sending him honourably out of the way, as the chief commissioner for the civil government of Ireland. This offer, however, he steadily rejected; and he afterwards gave all the opposition in his power to the attempts of the army to govern without the parliament. But when that body was violently

lently dissolved by Cromwell, Whitelock, ever obsequious to power confirmed by success, continued to follow his official functions under the new order of things. He was not, however, admitted into Cromwell's first or little parliament; and the abolition of the court of chancery having superseded his commission of the seals, he was willing to accept of the protector's nomination to the post of ambassador to Christina, queen of Sweden. After his departure, the protector published his Instrument of Government, in the planning of which Whitelock is supposed to have had a principal share, and which contained a scheme of parliamentary representation much better proportioned than that which has since prevailed.

Whitelock arrived in Sweden in November 1653, and was received with distinction by Christina, with whom, after various delays occasioned by her propensity to talk on philosophical subjects, and to engage in court amusements, he concluded an advantageous treaty. After his return, the chancery being restored, he was again made a commissioner of the great seal, and was returned a member

ber for three counties in Cromwell's second parliament—a proof of the esteem in which he was publicly held. Attached not less to the credit and interest of his profession than to his own advantage, when Cromwell and his council made a new ordinance for regulating and limiting the jurisdiction of the court of chancery, he could not be prevailed upon to acquiesce in it, but resigned the seal; and, as some recompence for this sacrifice, he was made by the protector a commissioner of the treasury. He appears always to have given faithful advice to Cromwell, who, though sometimes offended with his freedom, continued to treat him with marks of confidence and regard. He particularly consulted Whitelock about foreign affairs, and nominated him a second time ambassador to Sweden; which office he declined, but accepted that of a commissioner to treat with the Swedish ambassador then in England. He sat in Cromwell's third parliament as member for Buckinghamshire, and for some time supplied the place of the speaker, who was confined by illness. When the "Humble Petition and Advice" was drawn up,

up, the purpose of which was to give Cromwell the power of assuming some higher title than that of Protector, Whitelock did not chuse to present it to parliament, but, conformably to his usual practice, he sat as chairman of the committee appointed to confer with Cromwell about it, and joined in the request that he would assume the regal title. And when Cromwell declined the hazard, and chose a new inauguration into the protectorate with peculiar solemnity, Whitelock rode in the state coach by the side of Richard Cromwell, with a drawn sword in his hand. He was now so much engaged in the protector's interest, that he was one of those whom Cromwell called to his upper house; and an offer was made to him, which he declined, of being appointed governor of Dunkirk. He also prudently waved the honour of being created a viscount, a patent for which was signed by the protector a short time before his death.

In the short-lived protectorate of Richard, he officiated as one of the keepers of the seal; and when the army set up a republican government, he was nominated one of the council

cil of state. He sat as its president during Sir George Booth's insurrection for the king, and was active in its suppression, and he joined in all the measures for keeping together the mutable and tottering frame of government which immediately preceded the Restoration. This he did, however, with many doubts and misgivings; but he satisfied himself as well as he could, by the consideration "that there was at that time no visible power or authority for government but that of the army, and that if some legal authority were not agreed upon, the army would probably take it into their own hands and govern by the sword." When Monk declared for restoring the remains of the Long Parliament, Whitelock took a commission for raising a regiment of horse, and urged Lambert to march against him: and when that design failed, and the parliament was assembled, fearing to be called to account for his actions, he retired to a friend's house in the country, and sent the great seal by his wife to the speaker—and thus terminated his public life. As he had not been fortunate enough to join in the measures for the king's restora-

tion, though at one time he was inclined to have done so, forgiveness was as much as he could expect under the new government; and it appears from the journals of the House of Commons that he escaped a bill of pains and penalties only by the negative of a small majority. He passed fifteen years more of his life in retirement, chiefly at Chilton-park in Wiltshire, where he died in January 1676.

Whitelock was a man of considerable abilities and acquisitions, well versed in business, and no mean proficient in learning. His temporizing character as a statesman is so strongly marked in the whole of his public life, that he must be excluded from the rank of the high patriots of either party during that eventful period; yet his general principles of government appear to have been good, and his temper averse to violence, intolerance, and injustice of any kind. He had "a nature," as Lord Clarendon says, "that could not submit to be undone;" but was always a well-wisher to the law and constitution, which he supported as far as was consistent with his interest and safety. He always maintained the private character of a man

man of worth and honour. After his death, was published, by an anonymous editor, in 1682, the work by which his name is chiefly preserved, entitled "Memorials of the English Affairs; or, an Historical Account of what passed from the Beginning of the Reign of King Charles I. to King Charles II. his happy Restoration," fol.: an improved edition was published in 1732. They consist of a journal of transactions, apparently entered down as they occurred, without any design of publication, in plain and impartial language as far as the events were impartially reported to the parliament; and they form authentic and valuable materials for the history of those times. There was also published, in 1709, from his manuscripts, "Memorials of the English Affairs, from the supposed Expedition of Brute to this Island, to the End of the Reign of King James I."

(15). GERARD LANGBAINE, D.D. was born in 1608, at Bartonkirk in Westmorland, probably of humble parentage, as his admission to Queen's-college, Oxford, was in the quality of a servitor. His talents and industry, how-

ever, raised him in due time to a fellowship in his college; and an edition of Longinus with notes, which he published in 1636, made him known to the learned world. Other publications of the historical and critical class exhibited him as well versed in the antiquities and laws of his country, and attached to its constitution in church and state. His character as an estimable man of letters may be inferred from the respect paid him by Selden and Usher, with both of whom he corresponded. In 1644 he was appointed by the university of Oxford, keeper of its archives; and in the following year he was elected provost of his college. A prudent submission to the ruling powers enabled him to live in tranquillity, and duly attend to the interests of learning, and the discipline of the seminary over which he presided. He died in 1658. *Gerard Langbaine*, often quoted in dramatic history as the author of a Catalogue of English Plays, was his son.

(16). Sir John Vaughan, of Trœscoed, in North Wales, was a student of the Inner Temple, when his attachment to polite literature

rature introduced him to the acquaintance of Selden, and laid the foundation of an intimate friendship, which continued through life. Affection and esteem can scarcely be expressed in stronger terms than those of Selden's dedication to him of his "Vindiciæ Maris Clausi;" and it cannot be doubted that he must have possessed valuable qualities both moral and intellectual to have merited such a testimony from such a man. Yet Lord Clarendon, in his own Life, has drawn a portrait of Vaughan by no means attractive. After doing justice to his parts and knowledge, he says, "He was of so magisterial and supercilious a humour, so proud and insolent a behaviour, that all Mr. Selden's instructions, and authority, and example, could not file off that roughness of his nature, so as to make him very grateful." With respect to his public principles, we learn from the same authority, that "He looked most into those parts of the law which disposed him to least reverence to the crown, and most to popular authority; yet without inclination to any change in government; and therefore, before the beginning of

of the civil war, and when he discerned the approaches to it in parliament (of which he was a member), he withdrew himself into the fastnesses of his own country, where he enjoyed a secure, and as near an innocent life, as the iniquity of that time would permit." This was very near the manner of thinking, and the line of conduct, pursued by his friend Selden, between whom and himself a reciprocal communication of counsels and opinions must long have subsisted; and it confirms the remark made in the preceding pages concerning the part usually acted by sound and patriotic lawyers in the political dissentions of their country. After the Restoration, "he appeared," says Clarendon, "under the character of a man who had preserved his loyalty entire, and was esteemed accordingly by all that party." The noble writer, who calls himself his friend, and was then lord chancellor, strongly urged Vaughan to resume his gown, and take a judge's place; but could not persuade him to enter again into public life. His resolution to continue in retirement was not, however, durable; and his excuses seem to have proceeded

proceeded from dislike to the channel whence his promotion was to come; for he soon after joined the chancellor's enemies, and was by them made chief-justice of the Common Pleas in 1668. He died in 1674, and was buried in the Temple church, as near as possible to the remains of his honoured friend. His "Reports" were afterwards published by his son Edward Vaughan.

(17). Sir Matthew Hale, a distinguished ornament of the English bench, was born in 1609, at Alderley in Gloucestershire. He received both his school and his academical education (the latter at Magdalen-hall, Oxford,) under tutors of puritanical principles, the influence of which was discernible during life, though he adhered to the worship of the church of England. While studying the law, he contracted an intimacy with Selden, which probably gave him a taste for that large inquiry into literary topics which his various writings display; and he acquired the esteem of that eminent scholar to a degree that produced a mutual friendship for life, and caused Hale to be nominated among the

the confidential executors of Selden's testament. At the breaking out of the civil war, Hale, who had been called to the bar, adopted the resolution of following the example of the Roman Atticus (whose life he translated from Corn. Nepos), in enlisting under no party, but devoting his services to the unfortunate and oppressed of each. Whilst, therefore, he did not scruple to take the covenant, and act professionally under the parliament, he pleaded for several of the royalists, and for the king himself. His reputation for integrity and legal knowledge raised him to eminence; and, in 1654, he was appointed one of the justices of the Common Bench, as the King's Bench was then called. In this situation he supported the legal rights of the people with so much resolution, that Cromwell told him "he was not fit for a judge"—an assertion in which, during the reign of military force, he readily acquiesced. Being a member of parliament at the Restoration, he was zealous in promoting the healing bill of indemnity. By Charles II. he was first made chief-baron of the Exchequer; and finally, in 1671, chief-justice of the

the King's Bench; and never did a more diligent and inflexibly upright judge sit upon either of those benches. If he manifested a leaning towards the persecuted dissenters, and the inferior ranks of society, it was in conformity with his principle of befriending those who most wanted succour, and never at the expence of law and justice. This article is not the place for entering into the particulars of the public and private life of this excellent person, which have been given by Bishop Burnet and other biographers. It will suffice in conclusion to remark, that fervent piety, unshaken integrity, a strict regard to his duties of every kind, the assiduous employment of his time in serious studies, and a spirit of kindness and humanity, were his leading characteristics, which may well obliterate the foibles of a disposition to vanity and self-opinion, and a love of subtle distinctions. He died in 1676. His numerous publications comprise subjects of philosophy, theology, morals, and statute and common law. Of his professional works, his "Historia Placitorum Coronæ" is the most considerable.

(18). Sir

(18). Sir Thomas Bodley, whose name is inseparably associated with literature by the Bodleian library of Oxford, was born at Exeter in 1544. Accompanying his father, who was a refugee for religion in queen Mary's reign, to Geneva, he received part of his education in that city, which he afterwards completed at Oxford. He entered into public life under queen Elizabeth, by whom he was employed in embassies to Denmark, Germany, France, and the United Provinces; in the last of which countries he was long a resident, with the management of the money concerns between the queen and the Dutch. After his return, he quitted all public business, and devoted himself almost solely to the refounding the university library of Oxford; which he enriched with so numerous a collection of books purchased at a great expence in foreign countries, adding the further benefaction of new buildings for their reception, and the bequest of most of his property for its future support and augmentation, that it has since deservedly borne his name. He was knighted by king James, and died in 1612. His remains were deposited in the choir

choir of Merton-college chapel, and his munificence to the cause of letters is still annually commemorated in an academical oration.

From a letter of his to Sir Francis Bacon, then a young man on his travels in France (printed at the end of Parr's Collection of Letters, in Usher's Life), it appears that he was a kinsman of that illustrious person, and a contributor to the charge of his education.

(19.) HENRY BRIGGS, an eminent benefactor to mathematical science, was born about 1556, in the parish of Halifax. He received his academical education at St. John's-college, Oxford, of which he became a fellow; and having distinguished himself by the study of mathematics, he was appointed examiner and reader in that science. On the establishment of Gresham-college, he was chosen, in 1596, its first geometry professor. About this time he constructed a table for finding the latitude from an observation of the variation of the compass, by an instrument described in Gilbert's work "De Magnete."

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The new invention of logarithms, however, was the subject which chiefly occupied his thoughts; and in his lectures at Gresham-college he proposed an alteration of their scale from the form given them by their inventor, Lord Napier, to one in which 1 should be the logarithm of the ratio from 1 to 10. For this purpose, his zeal for science led him to take a journey to Scotland, in order to hold a conference with Lord Napier, and his arguments produced the adoption of his improvement. He then set about calculating logarithmic tables upon this plan, which were published successively as he proceeded, and displayed indefatigable industry joined with great inventive powers.

In 1619 he was nominated the first Savilian professor of geometry at Oxford; and soon after, resigned his place at Gresham-college, and settled at Merton-college, which thenceforth became his residence for life. He passed his time in studious retirement, deeply engaged in scientific pursuits and the duties of his office, and esteemed for his integrity and obliging disposition, till his death

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in January 1630. He was the author of several works relative to geometry and arithmetic, besides the tables above-mentioned.

Briggs became acquainted with Usher on the visit of the latter to England in 1609, and was long his correspondent, though two only of his letters are printed in Parr's Collection. In one of them, alluding to some question in divinity, he says, "My opinion is, he that doth most good is the honestest man."

(20). JOHN DAVENANT, D.D. was the son of a merchant in London. He was entered of Queen's-college, Cambridge, in 1587, of which he became fellow in 1597. Having obtained a high character for learning and morals, he was elected Margaret professor of divinity, and afterwards, master of his college. When the synod of Dort was convened by the States General, Dr. Davenant was one of the English divines sent by king James to be present at it; and when the disputes on the subjects of predestination and grace were agitated, he, with another English deputy, was desirous of adopting a middle notion between

tween calvinism and arminianism. After his return, in 1651, he was promoted to the bishopric of Salisbury. He had the misfortune of incurring the displeasure of Charles I. by maintaining, in a sermon before him, the doctrine of predestination, which was considered as violating an injunction against "all curious search" into controverted points, which the king had caused, at the suggestion of Laud, to be prefixed to the thirty-nine articles. For this offence he was summoned before the privy-council, when he found it necessary, in order to escape further censure, to declare his sorrow for what he had done, and promise future conformity to his Majesty's pleasure. He was, however, thenceforth excluded from court favour, and died in 1641, deeply impressed with the impending troubles of his country. This prelate, who was exemplary in the discharge of the duties of his station, and beloved for his moderation and benevolence, was the author of several Latin treatises on controversial theology, and an exposition of St. Paul's Epistle to the Colossians.

(21). THOMAS

(21.) THOMAS LYDIAT was born in 1572, at Alkrington, or Okerton, near Banbury; the manor of which village was possessed by his father, a citizen of London. A disposition to learning distinguished him from childhood, in consequence of which he was sent, at the age of thirteen, to Winchester school, as a scholar on the foundation. He was thence elected to New-college, Oxford, and placed under the tuition of Dr. (afterwards Sir Henry) Marten. He took the usual degrees, and obtained a fellowship in his college, where he signalized himself by intense application to his studies, comprising the learned languages, philosophy, mathematics, and astronomy. His desire to embrace the clerical profession was opposed by a defective memory and an imperfection of utterance; and as the statutes of the college required him, after a certain time, either to enter on the divinity line, or resign his fellowship, he chose the latter, and retired to a small patrimonial property at his native place. He there, during seven years, employed himself in completing literary designs which he had formed while a resident at the university;

university; and he first made himself known to the learned world by publishing, in 1605, a work entitled "Tractatus de variis Annorum Formis." Of this he published a defence in 1607 against the arrogant censures of Joseph Scaliger; and he ventured directly to attack that proud dictator of literature in his "Emendatio Temporum ab Initio Mundi huc usque Compendio facta, contra Scaligerum et alios," printed in 1609. This work was dedicated to Henry, prince of Wales, who nominated him his chronologer and cosmographer, and would probably have been a liberal patron to him, as he was to men of science in general, had not his auspicious commencements been cut short by an untimely death.

In that year, Dr. Usher being on a visit to England, became acquainted with Lydiat, whom he persuaded to accompany him back to Ireland, where he procured him apartments in Dublin-college. A community of studies was doubtless the principal inducement for Usher to desire his company; and it is highly probable that he derived assistance from him in his own chronological labours.

labours. Lydiat is said by A. Wood to have resided about two years in Ireland. The time does not seem to be exactly ascertained; it appears, however, from letters in Dr. Parr's Collection, that he was in Ireland in 1610, and that he was returned to London in August 1611. From the same authority we also learn that there had been a design of settling him in a school at Armagh.

There is a circumstance connected with Lydiat's visit to Ireland which is involved in strange ambiguity. It is asserted in the "Biographia Britannica" (Note in Usher's Life), that soon after his return he entered into the married state with a sister of Usher's; for which fact the only authority given is, the alledged subscription of "Your loving brother-in-law" to some letters of Usher to him, printed in Parr's Collection. In reality, however, these letters are only signed "Your loving friend and *brother*," which last appellation Usher bestows upon others of his correspondents of the clergy, as Lydiat then was: nor is there found, either in the letters between them, or in the several lives of the primate, the least hint of such a connec-

tion. Indeed, it is not apparent from any recorded incidents of Lydiat's life that he was married at all. Yet, on the other hand, Henry Briggs, in a letter to Usher, dated in 1610, says, "I pray you salute from me your brother, Mr. Lydiat," which expression can scarcely imply any thing else than a real relationship, for he was not then a clergyman. In that case, however, he must have been married before his return to England.

Whatever schemes might have been formed for his settlement in Ireland, they were rendered abortive by his acceptance, though not without much hesitation, of the rectory of Okerton, of which his father was patron. Though he entered upon the pastoral office with some reluctance, he sedulously performed its duties, at least as far as concerned the composition of sermons; for we are told that in the course of twelve years he wrote and preached more than six hundred on the Harmony of the Gospels. In the meantime he was also employed upon several works of profound erudition, but which were probably limited to a few readers, since so far from producing any pecuniary compensation to their

their author, they sunk all his little patrimony in the expence of printing. Being moreover involved in the debts of a relation for whom he had become security, he was arrested in 1629 or 1630, and thrown into prison at Oxford, whence he was removed to the King's Bench. The confinement of such a man was doubtless felt as a disgrace to letters; and by the contributions of Sir William Boswell, an eminent patron of learned men, of Usher, Laud, and some others, he at length obtained his liberation. It is painful to find that Selden, who frequently extended his bounty to literary merit in distress, absolutely refused to lend his aid on the occasion, in resentment of a slight offered him by Lydiat, who, in some annotations which he published on the Arundel Marbles, had mentioned him with no other epithet than that of "an industrious author." Selden might justly be offended with this want of urbanity, but he would have shewn a greater mind in forgiving it.

Soon after he was restored to liberty, Lydiat presented a petition to king Charles, requesting his protection and patronage in

an intended voyage to the East, for the purpose of collecting manuscripts. The project displayed his zeal for the service of learning, but the ensuing political troubles prevented any attention being paid to his application. His loyalty, however, was not shaken by this disappointment; and when the civil war broke out, his principles rendered him a great sufferer from the military licence of the opposite party. His own statement to Sir William Compton, governor of Banbury castle, affirms that his rectory was four times pillaged by the parliament troops, and himself reduced to such a want of common necessaries, that he could not change his linen for a quarter of a year, without borrowing a shirt. He was also twice carried away to prison, and was cruelly used by the soldiers for refusing their demands of money and defending his books and papers, and for his bold speeches in favour of the king and bishops. From this and other circumstances, it would appear that his manners were not conciliating, and that, to a scholar's ignorance of the world, he joined the bluntness of an independent character. Of his confident and sanguine

sanguine disposition a judgment may be formed from a passage in one of his letters to Usher. After expressing a hope that his learned friend will in the end assent to the truth of what he has delivered concerning the beginning and conclusion of Daniel's weeks, and all the dependences thereon, he says, " for certainly how weak soever I, the restorer and publisher thereof, am, yet it is strong and will prevail, and notwithstanding mine obscure estate, in due time, the clouds and mists of errors being dispersed and vanished, it will shine forth as bright as the clear sun at noon-tide."

The painful life of this learned man ended in indigence and obscurity at Okerton, in 1646, at the age of seventy-four. After the Restoration, the warden and fellows of New-college placed a stone, with an inscription, over his grave, and erected a monument to his memory in their cloister. He obtained the applause of several of his literary contemporaries, both at home and abroad, some of whom adjudged to him the victory in his disputes with Scaliger and other writers; yet his fame is so far obliterated, even in his

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own country, that it is probable few English readers have known to whom Dr. Johnson refers in his "Vanity of Human Wishes," where, as a warning against the enthusiastical expectations of the young scholar, he says,

> If dreams yet flatter, once again attend;
> Hear Lydiat's life, and Galileo's end.

The publications of Lydiat were almost entirely chronological, astronomical, and physical. He left behind him a number of manuscripts on various topics, some of them theological.

(22). Thomas Gataker, one of the most learned English divines in his time, and whose name as a scholar may best be paralleled with those of Usher and Selden, was born in 1574, at London, in which city his father was a parochial clergyman. At the age of sixteen he was sent to St. John's-college in Cambridge, where he greatly distinguished himself by his application; and he is mentioned as one of those ardent students who attended the private Greek lectures given by the learned John Boys in his chamber at four

four in the morning. The death of his father left him unprovided with proper means for continuing his education; but his exemplary conduct and proficiency in learning procured for him friendly aids; and on the foundation of Sidney-college he was elected one of the first fellows, before the buildings were erected. In the meantime he resided as a tutor in the house of a gentleman in Essex, and there entered into holy orders. In 1599 he took up his abode in Sidney-college, and officiated with great reputation as a tutor. Some reasons, however, induced him soon after to remove to London, where he lived as chaplain with Sir Thomas Cooke, and was chosen preacher to Lincoln's Inn. This honourable post he occupied during ten years, when he married, and was presented to the rectory of Rotherhithe; and in that situation he passed all the remainder of his life.

Gataker appears as one of Usher's correspondents *(Parr's Collection,)* in 1616. His letters relate to some ancient manuscripts which had fallen into his hands, and display singular modesty, with extraordinary respect for the person whom he is addressing. His

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own first appearance as an author was on a topic which he had discussed in several of his sermons at Lincoln's Inn, namely, the lawful use of lots or games of chance for amusement, and the unlawfulness of divinatory lots. His work on this subject was entitled, "Of the Nature and Use of Lots, a Treatise historical and theological," 4to. 1619; and it was distinguished for perspicuity of style and method, and profound learning.

A tour which he made in the Low Countries gave him a very favourable impression of the protestantism of the Dutch, and doubtless inclined him to the religious moderation by which he was characterized. After his return, he published various works on theological subjects, and was also called upon to defend his book on Lots, which was attacked both at home, and by the foreign divines, Ames and Voet. In 1642 he was nominated one of the divines of the Westminster assembly; and on that occasion he declared for a moderate episcopacy, respecting which his sentiments were similar to those of his friend Usher, in considering bishops as no distinct order in the church, and that their political privileges

privileges as lords of parliament are not essential to their spiritual office. Although he and other friends to episcopacy could not carry this point, and his sentiments on justification also differed from those of the majority, he thought proper to subscribe to the covenant, and continue in the performance of his pastoral duties.

He was now so much devoted to a retired and studious life, that he declined an offer of the mastership of Trinity-college, Cambridge. He joined some other members of the assembly in composing Annotations on the Bible, in which, Isaiah, Jeremiah, and the Lamentations, fell to his share; and he composed various critical treatises in Latin, which were received with great applause by the learned world. Of these, some of the most distinguished for erudition and ingenuity were, a Dissertation on the word Tetragrammaton, another on the Style of the New Testament, and a collection of illustrations of difficult passages in the scriptural and other ancient writers, which he entitled "Cinnus." In 1652 his valuable edition of the "Meditations of Marcus Antoninus," with

with a Latin version and commentaries, and a preliminary dissertation on the philosophy of the Stoics, set the seal to his character as a philologist of the first rank. Various other works, theological and critical, proceeded from his pen, which it is not necessary here to enumerate. Those of his writings which obtained the highest reputation in the republic of letters were published after his death in a folio volume, entitled "Opera Critica Gatakeri," printed at Utrecht under the care of Hermann Witsius.

Gataker appears to have interfered little in the political contentions of the time; but when the purpose was manifested of bringing the king to a trial, he was the first of the forty-seven London ministers who subscribed a remonstrance to the general and army against that measure; and he afterwards openly expressed his sense of the injustice of that unhappy prince's execution, and of the subsequent changes introduced by violence. On this account he became obnoxious to the ruling party, and incurred the loss of part of his stipend, through the refusal of some of his parishioners to pay their composition

sition for tythes. He died in 1654, at the age of eighty, leaving the character of one of the most learned, pious, candid, and virtuous divines of his age.

(23). JOHN BAINBRIDGE, a physician and astronomer, was born in 1582, at Ashby de la Zouch in Leicestershire. He was educated at Emanuel-college, Cambridge, where he studied physic, the practice of which profession he followed for some years at his native place, at the same time teaching a grammar school. His favourite studies, however, were mathematics and astronomy; and after his removal to London, where he became a fellow of the College of Physicians, he made himself known by a Description of the Comet which appeared in 1618. The reputation he acquired by this work induced Sir Henry Savile to appoint him his first astronomical professor at Oxford, whither he removed in 1619, and was entered of Merton-college. He published in the following year "Proclus on the Sphere," and "Ptolemy de Hypothesibus Planetarum," and his "Canon Regnorum," with Latin versions and explanatory

natory figures. From his first letter to Primate Usher in 1626 *(Parr's Collection)*, it appears that he was occupied with an expeditious method of calculating eclipses, and also that he had resolved to study the Arabic, so far as to qualify himself for reading mathematical works in that language. At the desire of that prelate he drew up a treatise on the dog-star and canicular days, which he left imperfect; but it was published after his death by his successor Dr. Greaves, under the title of "Canicularia." Bainbridge died at Oxford in 1643, in high esteem for his scientific knowledge. He left some manuscripts prepared for the press, but which the subsequent troubles prevented from being published. One of these was a detection of the folly of astrological predictions, which may serve as a counterpoise to that disposition to credulity which he had at an earlier period displayed, by giving countenance to the vulgar notion that comets were presages of impending disasters. He bequeathed many other manuscripts to Usher, by whom they were deposited in the library of Dublin-college.

(24) THOMAS

(24). THOMAS JAMES, D. D. born at Newport in the Isle of Wight, in 1571, received his school education at Winchester, whence he was elected to New-college, Oxford, of which he became a fellow in 1593. He distinguished himself so much by his researches into literary antiquities, that he was designed by Sir Thomas Bodley for keeper of the great library he was forming; and, in 1602, he obtained that office by the appointment of the university of Oxford. He had previously published catalogues of the manuscripts in each college library at Oxford, and in the public library of that and the sister university; and, in 1605, he printed that of the Bodleian, which obtained *high* commendation from Jos. Scaliger. He then carried his enquiries to all the public libraries in England; a service to letters noted with applause by Camden in his Britannia. He received the degree of D. D. in 1614, and was presented by the Archbishop of Canterbury to a rectory in Kent. His intense ardour for perusing manuscripts was at length chiefly fixed upon the object of collecting evidences from them against the papists; and in one of

of his letters to Primate Usher (of which several are printed in Dr. Parr's Collection), he assures that prelate, that he had restored and rescued from corruption three hundred citations made by authors of the Roman Catholic communion. Being a member of the convocation held in 1625, he moved that commissioners should be appointed for the purpose of collating the MSS. of the Fathers in all the libraries in England, with the popish editions, in order to detect the forgeries of the latter. His project is fully opened in his letter to Usher, which contains abundant proof of his zeal, confidence, and disinterestedness. Though he met with no encouragement in this design, he set about it spontaneously, and had made some progress in it, when his labours were cut short by a premature death in 1632. He was the author of several works, both in Latin and English, of which the principal topic was controversy with the Roman Catholics, and detection of the frauds of their writers. One of the most popular was an "Apology for John Wickliff, showing his Conformity with the now Church of England," with the Life of that Reformer.

(25). JOHN

(25). JOHN GREAVES, one of the most learned of the English mathematicians, was born in 1602, at Colmore in Hampshire, of which parish his father was rector. Under the tuition of this parent, who kept a school with great reputation, he was prepared to enter Baliol-college in Oxford at the age of fifteen. His proficiency in his studies was such that he stood first on an election of five fellows to Merton-college. After taking the degree of M. A. he turned his attention principally to mathematics and Oriental learning, in which he so much distinguished himself, that, in 1630, he obtained the appointment of professor of geometry in Gresham-college. His ardour for literary improvement led him to visit the continent in 1635, in which tour his first object was to attend the Arabic lectures of the learned Golius at Leyden. He proceeded to France and Italy, and received advantageous offers from the Earl of Arundel to accompany him to Greece, which he declined in consequence of the determination he had formed of travelling into Egypt. Returning home, and being encouraged by his patron, Archbishop Laud, in his intention, and well furnished,

furnished for a literary tour, he sailed for Leghorn in 1637, accompanied by Mr. Edward Pococke. He thence travelled to Constantinople, where he was introduced to the Greek patriarch Cyril-Lucar, from whom he received much assistance in the purchase of Greek manuscripts. He staid in that capital till the patriarch's tragical death deprived him of the advantages he had possessed; when, leaving Pococke behind him, he proceeded to Alexandria. Arrived at the scene to which his curiosity had principally been directed, he suffered nothing to escape him by which the science of astronomy, and antiquarian knowledge, could be promoted. He particularly applied his researches to those stupendous remains of ancient art, the pyramids, and collected materials on that subject, which were the foundation of one of his most celebrated publications. On his return he made a second tour in Italy, chiefly for the purpose of carrying on enquiries relative to classical antiquity; and, in 1640, he brought back with him to England a rich treasure of manuscripts, coins, &c. as well as of observations.

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The civil dissensions now tending to extremities, Greaves, attached by principle and connections to the royal party, withdrew to Oxford, where he employed himself in preparing his papers for the public. In this task he was assisted by Usher, for whom he contracted the most reverential friendship. His absence from his duty at Gresham-college, joined to the part he took in politics, caused him to be ejected from his professorship. He was, however, in some measure indemnified by being elected to the Savilian lectureship of astronomy at Oxford, vacant by the death of Dr. Bainbridge, together with which he was allowed to hold his fellowship at Merton. In 1645 he was engaged to draw up a scheme for the gradual introduction of the Gregorian style in the calendar, which would probably have taken place, had not the troubles of the time prevented it. His "Pyramidographia, or Description of the Egyptian Pyramids," published in 1646, and his "Discourse on the Roman Foot and Denarius" in the year following, raised his character high among the learned. He was about this time involved in some lawsuits

as executor to his friend and predecessor Dr. Bainbridge, the consequence of which was a complaint against him brought before the House of Commons by the parliamentary commissioners. He obtained, however, a determination in his favour, for which he was probably much indebted to the friendship of Selden. But some further charges, arising from his conduct as a supporter of the royal cause, terminated in his ejectment from his professorship and fellowship, and even his banishment from the university. With a true regard for the interests of science, he exerted himself to provide an able successor, who was Seth Ward, afterwards bishop of Salisbury; and he then fixed his abode in London, where he married, and lived upon his patrimony, devoting himself to literary occupations. Several works of profound erudition, in astronomy, chronology, and Oriental history and geography, were afterwards published by him; and more were prepared for the press, when, in 1652, he was attacked with a disorder that carried him off, at the premature age of fifty. His death was greatly regretted, as well by his particular friends,

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as by the learned in general, among whom few in this country at that period bore a higher rank.

ADDITIONAL NOTE.

A remarkable instance of the jealousy of king James respecting any restriction of that monarchical authority to which he thought he had a full claim, appears in the Life of *David Pareus*, an eminent German calvinist, who was a professor at Heidelberg. This theologian published at Frankfort, in 1608, a Latin Commentary on St. Paul's Epistle to the Romans, in which he held, that "those subjects who are not entirely private persons, but occupy inferior magistracies, may defend themselves, and the state and church, or even the true religion, with arms, against the sovereign magistrate, on certain conditions." The king could not overlook this political heterodoxy even in a foreign divine, but caused the work of Pareus to be burnt at London by the common hangman, and to be condemned in the most opprobrious terms by the university of Oxford. Dr. David Owen, chaplain to the earl of Holderness,

also a calvinist, was engaged to answer the work, which he did in a publication entitled "Anti-Pareus, sive Determinatio de Jure Regio habita Cantabrigiæ in Scholis theologicis." Philip Pareus, the son of David, wrote a defence of his father, in which he maintained that "there is not at present in all Christendom a king or sovereign prince who is really king, that is, entirely absolute, and having none but God above him; but that they are only *conventional kings*, against whom the inferior magistrates may revolt, if they do not keep the *conventions* to which they are bound." This is exactly the notion of Selden with respect to the contract between prince and people.—*See* p. 179.

THE END.

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For *George* Browne,	p. 9,	—	*William*.

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